P 115 EK

G. R. S. App. F. IX-4]

1948 -

File No. 32-46

Previous References.

VP 74-44 (1).
elo 102-29 (1-4)
CS. 101-39 (1,2)
" *Later References.* 81-38 (1,2)
elo 110-36 (1,2)
" 93-35 (1,2)
" 71-34 (1,2)
" 95-33 (1,2)

(UP.)

CS 46-32 (1,2)
" 78-31 (1,2)

Serial Nos. 4,5,9,10

GENERAL AND REVENUE SECRETARIAT

Serial Nos. ~~four~~ first only

Part B for Sept 48

SUBJECT

Grant of Tedvcwal Powers to village Panchayats

To the Revenue Commr in reply LB 2684 d 24-9-48 defers the proposals.

LB 2685-94 d 24-9-48 to all DCs.

To the Regr Hogh Court 2683 dated 24-9-48 Mwadras Correspondence

Form

App.F.IX-4

1925:6

File No. G.F. 236-25

Previous References (G.F.)

9.T.Dep 111-23.

Serial Nos. 1 & 2

Later references.

G.F. 236-25-34

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B ✓ for May 1926.

SUBJECT

Request to be informed whether the Provident Fund Regulation of 1916 has been extended to the State Railway Provident Fund

Secs. 2. To The Agent, Mysore Railways.

Mysore

No. FC 6401 dated 8th May 26

States that the Railway Provident Fund of the Mysore Railway Department is governed by the Provident Fund Regulation of 1916.

AL
28/5.

16th July 43.

Continuation Sheet. File No. / Current No. of Page.

Note:

1) The Minister C.S. & P.H. was pleased to direct that the question investing such of the village Panchayats, as may be notified, with judicial powers to try petty cases arising in their area — as is in force in Kashmir & Travancore States — may be examined and a note put up.

It is stated that the question may be duly referred to the Legislative Dept for favour of necessary action.

Law Section) sgn
17/8/43

2) Yes, may be referred to Legislative Dept as desired.

Law Secretary 3/8/43

(3) The Secretariat Branch was dealing with a similar question. It is not known to the Secretariat Section & deal with it as the Secretariat Branch. Please take up the old files & trace up. I understand that the L.S.G. Minister has passed orders dealing with the subject. You may get them.

sgn
16/8/43

SECY. LAW DEPT. 3 GOVT. O. MYSORE

put up for reference
13/8

H.C.B.R. 3

19/8

1427

Continuation Sheet. File No. / Current No. of Page.

The L.S.G. Branch kindly to put up the volumes referred to in the preceding page

CBR 20/8 28 28/8/43

6) Ordered to await the return of the Narayana from Delhi

CBR 31/8

5) The concerned books in the subject of Disposal of Land by the Liberation Department for 1878 to 1887

RM

7) The Narayana P.A. to L.S.G. Minister who was requested to favour the branch with the required books informed this office that he had no books with him and that they might perhaps be with the case worker.

8) The L.S.G. Branch will kindly furnish the books very early to this Branch

B.S.G.D.

CBR 17/9 17.9.43

9) Books Are these books with the Branch mentioned in the Liberation Dept?

17.9.43.

10) Is there no books with me on this subject

11) If these books are not available in this Dept this Liberation, they may have to be purchased

P.A. to Min for Lib Dept

12) The P.A. to the L.S.G. Minister and the L.S.G. Branch have stated that they have no books on the subject

(13) The question now being dealt with in the Courts' Section is with regard to the improvement to be effected in the present system of working of the Village Courts in the State.

(14) The disposal of petty Civil Suits in the rural areas is governed by the Village Courts Act 1913 and the Rules thereunder.

(15) In the present instance it is proposed to invest such of the Village panchayats as may be notified with judicial powers to try petty cases as in force in Kashmir and Cochin States.

(16) The Branch had to depend upon the L.S.G. Branch for the books but it is now started work by the P.A. to L.S.G. Minister and the Asst Secy L.S.G. that they have no books on the subject.

(17) A Copy of the Cochin Village Panchayet Regulation 1914 obtained from the Library is however submitted herewith for perusal. It is stated that a similar Act of Kashmir State is not available in the Library.

It is seen from the Cochin Village panchayat Act that the Village panchayat Court deals with petty Civil Suits.

(18) It is submitted that enough provision exists in this State for the trial of petty Civil Suits and the Mysore Village Courts Act 1913 and the Rules thereunder govern the Conditions on which such suits are to be tried by Village Courts.

(19) In view however of the unsatisfactory Condition of these Courts, some of the Courts which are not functioning satisfactorily are being abolished from time to time on receipt of recommendations from the Revenue Commissioner. The question of effecting improvements is under consideration and the Deputy Commissioners of Bangalore and Mysore Districts have been reminded to expedite submission of their opinion.

(20) If however it is intended to assign the work of the trial of petty Civil Suits to the respective Village panchayats instead of to the Village Munsifs who are being appointed under the Mysore

Village Courts Acts, then the provisions of the Village Courts Act will have to be amended suitably.

(21) The High Court and the Revenue Commissioner have to be consulted in the matter before any action can be taken in this behalf.

(22) The point for orders is re. the points on which the High Court and the Revenue Commissioner are to be consulted. It is for consideration as to whether they may be consulted re. the adoption of the provisions of the Cochin Village Panchayat Act in the State

(23) Some proposals have been sent by the Chamber — please put them up. Also put up a draft bill, if he has any note thereon, if so, to send them for our opinion.

3
22/9

(24) (Reinstated file) The Connected file since received in the branch is put up

On the notes prepared by the Rural Development Officer it has suggested that the Village panchayats

Village Courts Act. Here the provisions of the Village Courts Act will have to be amended suitably.

(21) The High Court and the Revenue Commissioner have to be Consulted in the matter before any action can be taken in this behalf.

(22) The point for orders is re. the points on which the High Court and the Revenue Commissioner are to be Consulted. It is for consideration as to whether they may be consulted re: the adoption of the provisions of the Cochin Village panchayats Act in the State

Can note

(23) Some proposals have been sent by Mr Bhaskaran — please put them up. Also put up a draft letter, if he has any note on it, if so, to send them for our opinion.

3
22/9

(24) The Connected file since received in the branch is put up

In the notes prepared by the Rural Development Officer it has suggested that the Village panchayat

(Connected file)

should be assigned with the work of trial of Civil and Criminal Cases arising in the respective areas.

The High Court should be consulted in the matter.

Two drafts are noted

Com 23/9 [The Revenue Commissioner has not expressed any opinion in respect of the scheme outlined by the Rural development Officer.]

23-9-43

25) The Draft may be approved

Secretary 23/9

26) The H.C. may also be consulted.

Secretary 23/9

SECY. LAW DEPT. GOVT OF MYSORE

27) The R.C. may be requested to give his opinion

28/9/43

28) Noted With a draft

Com 7/10

7/10

Issued No P 935 dt 10.10.43

Reminder issued 22/1/44

Noted With a draft

Com 27/1

Issued P 4799-4801.

6156/43
P

GEN. & P. SECRET BRANCH
523
17 FEB. 1944
L. S. G. & P. BRANCH

Ref: Personal minute

29) 1) A note prepared by the previous Special Officer for Rural Development, regarding the conferring of Judicial Powers(Civil & Criminal) on the Village Panchayats in the selected hoblis has been submitted to Government with the Revenue Commissioner's letter No.RD: 664/43-44 dated 28.8.1943 & orders are awaited.

Sd/-
10.2.44

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 19/2/44
No. 5280

Minister for Local Self Government & Public Health,

30) 2) It may be put up

Sd/-
12.2.44

Sd/-
14/2/

KSR)

31) 3) This question has been fully referred to the Law Section for taking necessary action. This will be sent to that Section for kindly putting up the file as directed above.

Sd/-
19.2.44

XXX

32) In favour of compliance

Sd/-
19/2/44

Regd. letter
Memo sent to Asst
Ali above. Letter
issued & file closed
& is

21/2/44

6155

5231/L

33) The R.C.'s opinion called for has not been received yet only an ad interim reply has been sent.
He was last Reminded on 28th Jan. 44.

34) Send another Reminder

3
21/4/44

35) Reminder sent for appl

36) Letter from [illegible] to be sent to Lt. S.I.G. Branch

L.S.G. Br.) 37) Permit before reply

38) Ans 16-3-44

Govt Reporter 15
17/3/44.

Govt Reporter

Investing Village Panchayets with Judicial Powers.

Continuation Sheet. File No. Current No. 6156/8573 of Judicial Page. 15

Letter no. A5-4022 of 43-44 dated 24th May 1944 from the Revenue Commissioner in Mysore furnishing his opinion in the matter

39) The Revenue Commissioner who was consulted in regard to the Proposal to invest the Village Panchayets with Judicial Powers, agreeing with the Deputy Commissioners of Districts, ~~of the~~ is not in favour of the Proposal. Subd for orders with reference to Paras 1 and 27 of the notes supra

Para 15/6.

Init 15/6.

40) Hon R. C. has obtained the opinions of the D. C's regarding investing the Village Panchayets with Judicial Powers. All of them are not in favour of the Proposal

41) It is true that our Village Munsiffs Courts - the reports show that they are not functioning as they ought to. Even Bench Courts in many parts of the State have been abolished. It is only when the general level of literacy rises, in the villages, a sense of Social Justice is developed & a feeling

extent, that such a proposal may be considered.

42) It is therefore submitted that the creation of village bench and judicial powers may be deferred for the present, till the Panchayats have been in the field for some time after the Revised Reconstruction Scheme has succeeded in creating a sense of social activity in the midst of the villagers.

Law Secretary. 3/7/44

43) As is frequently pointed out by Mr. Rao in the Panchayat note no 3 [illegible] the entrusted with judicial powers

Law 3.7.44

Minister 3/7/44

44) I believe the suggestion was made to start village courts and not empower the panchayats. This suggestion was based on the one passed I believe in Kashmir. Please put up the necessary proposal.

45) Vide. 19.7.44

Law 21-7-44

24/7/44

SECY. LAW DEPT. 90. 3 JULY 1944 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 4.7.44 No 88

46) Kind reference is invited to Para 1 supra where it is stated that the question of investing Village Panchayats with judicial powers may be examined. Reference is ~~always~~ also invited to Para 17 supra where it is stated that the Act passed in Kashmir re: Village Panchayats is not in the Library. It is for orders if the Kashmir Government may be addressed to send a copy of the Act passed there. Sd/-

47) The D.C. in charge of the Rural Dev. Scheme, or the L.S.G. Branch may be requested to send the Kashmir Act if it is not in the Library.

3
25/7/44

L.S.G. Branch)

Sd/- [illegible]

In KPL

544/L 48) The entire literature re: Rural Development in Kashmir (including the Kashmir V.P. Act is placed below) for refce and return.

Reg B

This may be sent to the Asst Secy, Law.

Thro

Asst Secy.
Law Secretariat) Sd/- [illegible]

Increasing of village Panchayats with Judiciary powers

Continuation Sheet. File No. / Current No. of Page.

49) I think we have another file dealing with village courts — please bring that file

3
12/9/94.

50) The connected file is also linked herewith. It deals with the question of changes in the working system of the village Munsiff's courts.

Let a note with reference to the orders of the Minister L.S.G. at Para 44 supra be put up.

13/9

51) The Rural Development Officer suggests that village panchayats should be empowered with judicial powers civil & criminal, as an experimental measure (Fg 5). The Panchayats in Kashmir are empowered, by the Samvat & Kashmir V.P. Regn. No. 1 of 1992. (Fg B) to try certain civil suits and criminal cases under the I.P.C & the Cattle Trespass Act. Kind ref is invited to the report on Rural Devpt. (put up along with Fg P) dealing with the progress of the working of the V.P. courts. The Cochin V.P. Regn (Act 5 of 1959) provides for establishment of V.P. courts to exercise original civil jurisdiction within the local limits of the village of which they form the Panchayat.

52) The question at issue is

Investing of village Panchayats with judicial powers. 8573/P43.

Continuation Sheet. File No. / Current No. of Page. 2

whether the V.P.s in Mysore are to be authorised to try cases civil & criminal as suggested by the Rural Devpt. Officer (F & S).

52 The reports of the Rev. Commr. and of the D.C.s of all the districts are for kind perusal (FT). They are of the opinion that it is unsound to empower the village panchayats with judicial functions in the present state of educational equipment in the State. It is also stated that even the V.P.s are unable even to manage their obligatory and discretionary duties as they hardly meet even once a month as required by the V.P. Act. Submitted for approval or other orders.

A The other connected file dealing with changes in Village Courts Act is also for orders.

NMH
13.12.44.
JV.

a reminder with is put up (F & S)
NMH
25.6.45.

1076/44 N.O. No. 300

C. F. 69]

Continuation Sheet.

File No.
Current No.

of 6

8407/L
L. S. G. Branch

Kind reference is invited to para 7 (4) of G.O. No L 11486-5W/V.P 74-44-1 dated the 28th May 1945, in which it is stated as follows:—

"(4) The question of assigning judicial functions to the village Panchayats must be examined separately. A Bill is being separately examined & orders will issue in due course."

A copy of the G.O. in question is put up herewith.

It is requested that further action may be kindly taken in the matter & a copy of the G.O. issued thereon may be sent for the Dept's information for reference

Asst Secy
Law Dept
21.6.45

21/6/45

Dr P.A.K.

Now file with the papers with which it was received
23.6.45

1. Under Flag 'D' Government Order, enhanced powers have been conferred by Government on Village Panchayets. The question now under consideration is whether certain ~~xxxxxx~~ judicial functions be assigned to Village Panchayets under the Village Courts Act?

57) 2. The Village Panchayet Act was passed in 1926 - ever since then, it is operative in Mysore. Though under the Act, the Village Panchayet has not been given any judicial functions to perform, yet under the village Court Act, some villages do exercise certain judicial powers. Thus the proposal to confer judicial powers on persons in villages is not a new one. Villagers as Village Munsiffs are administering justice in certain parts of Mysore.

58) 3. As both these Acts are being worked under the supervision of Deputy Commissioners, a report regarding the proposal to invest Village Panchayets with judicial powers was called for from them through the Revenue Commissioner. The opinion of the Revenue Commissioner is that the Deputy Commissioners of Districts are emphatically of the opinion that it is unsound to empower the Village Panchayats with judicial functions in the present state of educational equipment in the State. He further states that experience has also shown that the village Panchayets are unable even to manage their obligatory and discretionary duties as they hardly meet even once a month as required by Sec. 18 of the Village Panchayet Act and that the Scheme of establishing village Munsiffs' Court has also proved a failure'. In these circumstances, says the Revenue Commissioner, he is not in favour of entrusting judicial functions however small to the Village Panchayets."

4. Thereafter, we sent for reports from outside the Mysore State, to see how the Village Munsiffs' Courts worked there. We tried to collect some information from Baroda, Cochin and Kashmir, and also were able to collect some statistics from Madras. We shall now take up these Reports one by one.

5. BARODA. Flag 'K' is a brief note on the working of the Baroda Village Munsiffs' Court. The Act was passed there in 1902 and Courts are established there only when a majority of villagers express their desire for such a Court. The pecuniary jurisdiction of the Baroda Court is Rs.30/- when a Village Munsiff sits singly and Rs.100/- when there is a Bench. Only simple money suits are tried. It is optional for a plaintiff to file the suit either in the Village Court or in the ordinary civil court. 1st Appeal lies to the Munsiff and 2nd appeal to the District Judge. No Court fees are payable for such suits, and no pleader is allowed to appear before these Courts. Village Munsiffs are not paid but they have to pass certain examinations in law. It is said that 3 Courts were established in 1903 and in 1941 there were only 2 Courts, and that in no year the number of courts exceeded to 6. The opinion from Baroda also is that "the public do not favour such Courts and prefer to resort to ordinary Civil Courts." "No criminal jurisdiction in these courts is vested.

6. COCHIN. -- We have not received any report from Cochin, except the Act. The Act is nothing else but a combination of our Village Panchayet Act and the Village Munsiffs' Act, with conditions suiting the circumstances prevailing in Cochin. The Courts have not been vested with Criminal jurisdiction, but under Sec.31 a Pleader can appear before such Courts.

7. KASHMIR: -- In Kashmir, the village Panchayet Regulation has both Civil and Criminal jurisdiction. In this Act though no Pleader is allowed to appear before a Panchayet, yet under Sec.41 of the Act a party may be represented by such servant Gumastha, partner, relation or friend being authorised to appear on behalf of such party as the Panchayet may admit as a fit person to represent him. Like this, there are some peculiar provisions in the Act which do not find a place at all in our Acts. From the Report it seems that the Village Panchayet which is being worked under the Rural Development Schme in vogue in Kashmir, is doing well.

8. MADRAS. -- As regards Madras from the statistics collected we find that in 1933 about 92,416 cases were instituted, but since then the cases are dwindling and in 1939 only 58,522 cases were filed in the Village Courts in the Madras Presidency.

9. Thus from the facts before us we find that these Village Courts are not functioning well, either here [illegible] in Baroda, and that cases are not being filed in Madras as expected. But in Kashmir, the village Courts seem to function well. Perhaps this is due to the fact that the village Courts come under the purview of the Rural Development Scheme launched by the Kashmir Government for the uplift of the villages.

65

10. Under the Kashmir Scheme, the root causes of "the economic, social, and cultural backwardness of rural population" are sought out, by undertaking "Village Surveys", and thereafter measures are devised

to eradicate them, not only with the aid of funds contributed by Government but also with funds contributed by villagers. The village surroundings are improved and decaying village industries are revived. The other important steps that the Kashmir Government has undertaken are as follows:-

(a) An adult education Campaign is started in the villages and to bring about a change in the psychology of the peasant an intensive campaign of ~~usual~~ visual education is being given by means of Magic Lanterns with the aid of propoganda Vans and by holding village shows and festivals, and also by arranging for Industrial exhibitions. Further—

(b) Campaigns to promote Health and Hygiene are arranged to educate the masses in regard to causes and prevention of diseases. The most important items of these campaigns are the part played by College students, and by the Committees formed for the purpose of helping the villagers in the discharge of their judicial and administrative functions. As an aid to the literacy drive, Village Libraries are opened and a monthly Magazine has been started. Radios are employed for entertainment and education of the villagers. These activities go to show that without starting an all round campaign, touching the economic, social and cultural aspects of the village life, there can be no rural uplift.

11. Thus, there is great truth, in what the Revenue Commissioner says that the time is not yet ripe to invest the Village Panchayets with judicial powers. We also have our Rural Development Scheme, and it is for the workers under that Scheme, to develop the economic, social, and cultural side of the Village life in Mysore. It is only then, that the villager will seriously think of exercising his rights under the Village Panchayet and the Village Courts Act. Until

until then, these Acts will remain a dead letter on the Statute Book.

12. Now coming to the question at issue, I may state that there does not seem to be any need of any new legislation. We can employ the provisions of the village Courts Act, to empower members of the village Panchayet in different villages to try cases in village courts established within their jurisdiction For this purpose, a slight amendment of the village Panchayet Act will have to be made because under the Act as it stands at present, the village Panchayets are not empowered to function judicially and to that extent the said Act needs an amendment. If the Government intend to give to the villagers the right to try criminal cases, then the village Courts Act will have to be amended by empowering village Courts to try petty offences such as small thefts, assault and criminal trespass under the Indian Penal Code and also offences under the Cattle Trespass Act and to some extent offences under the Public Health Act.

13 As regards the Village Courts Act, the following changes therein have been suggested:—

(1) Villages within a convenient area may be grouped together. 2 Village Munsiffs may be appointed for each village.

(2) If both parties agree any one of the Munsiffs in the group may decide their suit.

(3) If they so prefer the decision will be by three of the Munsiffs in the group one to be chosen by each party and the Chairman to be selected by the Munsiffs appointed the two. The decision of the majority to prevail.

A Clerk is to be appointed in each Court. One of the Munsiffs will in the Administrative charge of the Court.

There must be an Inspector of Village Munsiffs' Courts for each District under the control of the District Magistrate. He has to inspect each court once in a month and give guidance regarding disposals and also legal advice in cases involving questions of law. Up to a limit their jurisdiction will be exclusive but a revision may lie to the Court of the Munsiffs.

So far as the aforesaid suggestions are concerned I find that Sections 3, 4, and 6 of the Village Court Act cover points 1, 2, and 3. As such these need not be considered.

As regards the appointment of a Clerk to each Village Munsiff's Court, it depends upon the number of cases instituted in each Court Any way this question may be considered whether a whole-time or part-time clerk be appointed for the purpose.

As regards the appointment of an Inspector, I am of opinion that it is not a feasible proposition. On the otherhand I would suggest that a Committee may be formed either by the District Magistrate or the District Judge as the case may be of persons duly qualified to guide the Village Munsiffs on questions of Law and Procedure as is done in Kashmir. If such a Committee is to be formad then a provision will have to be made either in the Village Panchayet Act or Village Courts Act.

It would be better if the Munsiffs of the regular judicial cadre be authorised to inspect these

these village Courts annually and send up their report in the form prescribed by the High Court to be scrutinised by the District Judge of the Division, and the remarks of the District Judge on the said report be forwarded to Government through the High Court. If this is approved, provision will have to be made to this effect in the Village Courts Act.

Law Secretary 3/8/45

7) The question of investing Village Panchayets with judicial functions is bound up with an examination of the working of the Village Courts Act. Under the Act, suits of a particular class and value are made triable by the Village Courts. Village Panchayets, at present, have no judicial functions. This Act has been in operation since 1914 and special concessions are allowed in regard to payment of institution fee and fees for issuing process. Resort to the Village Courts is optional to the litigants.

8) With a view to enlarge the scope of the jurisdiction now vested in the Village Courts and to invest Village Panchayets with jurisdiction, opinions of the Revenue Commissioner and the Deputy Commissioners of the several Districts in the State were called for and information was obtained from other parts of India about the powers vested in Village Institutions. The Revenue Commissioner and many of the Deputy Commissioners in the State have expressed that under existing conditions it is not advisable to invest the Village Courts with additional jurisdiction or to confer on Village Panchayets juris-

jurisdiction to deal with cases of any kind. Statistics of the last 10 years about the working of the Village Courts in Mysore and of the working of the Courts of the Village Munsiffs in the neighbouring Presidency of Madras show a steady decline in the number of suits filed in these Courts year after year. In no part of southern India, at any rate, there is any proof of the Village Courts functioning satisfactorily or functioning in such a manner as to justify the enlargement of the jurisdiction.

(7) Although lack of education and literacy in the rural parts is, as alleged, one of the important factors for the Village Courts not being as popular as they were ~~xxxxxxx~~ intended to be, the more important reason for these Courts not being availed of by the litigants seems to be want of faith in the sense of justice and impartiality of these tribunals. The reports indicate the existence of factions and party strife, local prejudices and personal differences amongst the persons in charge of the Courts. It is significant to notice that Bench Courts which were located in many of the towns have not commanded the degree of confidence which Courts presided over by stipendiary officers possessed. It is seen that of late there have been a decrease in the number of small cause suits filed in the Civil Courts. To invest Village Courts with jurisdiction to try cases involving larger amounts than at present would futher decrease the work in the Civil Courts of the State. Besides involving revision of the existing legislative enactments such as the Village Courts Act, Village Panchayets Act, Codes of Civil and Criminal Procedure certain financial

financial implications will arise by reason of the fact that the Court-fee now paid will become less if suits of a particular kind are to be tried in the Village Courts.

4, 5) While there can be no objection whatever on principle to invest Village Courts with jurisdiction to try certain suits of civil nature now under the jurisdiction of the Small Cause Courts and also certain offences of a petty nature falling under the Police Act, Indian Penal Code, Cattle Trespass Act etc., and indeed it would be conducive to the convenience of the villagers concerned to have such Courts, there is need of improvement and conditions at present obtaining in rural parts to justify such a course being adopted. To begin with, the people in the village may be encouraged to refer as many cases as possible to private arbiters (Panchayats) and the results thereof watched. This will disclose the degree of confidence which the litigants in the village are prepared to repose in men of the locality and not bring about any disturbance to the present system.

ADDITIONAL SECRETARY No. 1...2... Date 2-10-42 GOVERNMENT OF MYSORE

Asst. Secy 6-8-45

RV 6/8/45

Asst Secy 13/8/45.

Mr Srinivasan pl study & bring up.

1-8 17

406 / Judicial Powers to be exercised by Panchayats

1) Kind reference is invited to Para 7 (4) of Govt. of India Memo. No. F. 11/4 86-590 (81) / V.P. 74 — dated 28th Sept. 1946 in which it is stated that the question of assigning judicial functions to the village Panchayats — under Bihar village courts Act is being examined separately and action will issue in due course

2) The Revenue Govt. in Bihar has, in his letter no. 4022 / 43 Rev. dated 24.5.46 (21 / 82) — in this forwarded, after consulting the Deputy Comm. of Divs., his opinion that Less not in favour of entrusting judicial functions, however small, to the village Panchayat.

3) The question has also been examined in the Law Secretariat which has expressed itself against the measure.

Kind reference is invited to the notes on the file placed below

Ref: Personal and Secret letter dated 13/7/46 from Dewan)

13/7/46

OFFICE
13. JUL. 1946
No. 406

F 5706.

4) The question may be placed before the Central Advisory Board for Rural Reconstruction for an expression of its views 406

Minister (P&W) 14/7/46 Delhi 15/7/

OFFICE OF THE MINISTER FOR WORKS 16 JUL 46 436

5) 17/7/46. Delhi 18/7/

6) Approved 18/7 Ms

7) Submitted with a draft letter for R.E. for approval. 19-7-46

8) Approved 19/7/46

To the Revenue Comm. D 987 dt 19.7.46.

WORKS SECTION 19 JUL REV. SECTT.

Sec

Desires that the Surgeon may be included in the agenda paper

Letter No. R. D. R-2.C. 316 [illegible]-47 dated 13-1-47 from the Sub-Observer Rs. R.D. Revenue Comm. in reply to our D. wireless No.

judl powers to village Panchayats

a copy of the resolution of the C.A.C. re: conferring judl powers on the VPS.

90 10) It was resolved in the Central Advisory committee for Rural Development that judl powers may be conferred on one Panchayat in each of the selected Blocks

91 11) The question of the cost involved on this account, the implications, and kind of judicial to be exercised by them do not appear to have been examined in detail

92 12). The nature of the powers to be given has not been indicated

13) It approved, the R.C. will be requested to send concrete proposals in consultation with the D.E.S.

94 Sub-para 14). The point for consideration is whether the resolution of the Central Advisory Committee for Rural development for the effect that one Village Panchayat

in each selected Tehsil may be
delegated with financial powers in
the first instance as an experimental
measure and after the result of this point
is decided, the R.C. will be requested
to forward detailed proposals in consultation
with the D.C.s of Dists
for orders with you 4 Jan 5 Supra
Rev copy) Jan
5/1/47

OFFICE OF THE MINISTER
FOR AGRICULTURE AND
PUBLIC WORKS
7 FEB. 1947
No. 5733

16) It is time that some attempts
are made in this direction to
assist UPS to rise to their
full stature, in the administration
of their local affairs.

17) Difficulties there will be. But they
are not insurmountable. Vested
interests will play mischief. Some
persons may suffer but public
conscience & the united voice of
the Village will ultimately assert
itself. It seems therefore worthwhile
to make the recommendation of
the C.A.C for R.D formal proposals
on this behalf may be called for from

To be discussed during tour of RC
11/2/47

Minister for Agn
6/2/1.

Judicial proceedings to C.P.

General and Revenue Secretariat | File No. of 194 . | App. F. III-2

Serial No.

Dewan) for perusal before issue of orders
997"
Dons 14/2/47

OFFICE
14 FEB. 1947
626/

20) 100) April 1947

111) 21) Dft please

TYPING SECTION
18 MAR. 1947
H. & G.E. SECTT.

22) A draft is put up to Rc 27/2/47
02 for consideration

Dom 8/3/47

103) Revd) 15/8/47

104) Issue 18/3/47

To the Rc.

L 12793 of 32-46-5 dated 3-47.
Calls for proposals

L 12794-804 of 24.2.47.
Dies of Societies. Regn - of Trade Unions.

Sent 8/3/47

NOTE—Contn. Sheet.

Continuation Sheet. File No. 5746 / 263 UP3246 Page.
Current No. Grant of Trust Powers to PS

Corr-letter no MT PQ. 57/47-48 d 17/7/47. addressed to the Chief Officer Ley. with reference to the matter of grant of Trust powers to PS.

OFFICE OF THE MINISTER FOR AGRICULTURE AND PUBLIC WORKS 30 JUL 1947 No 908

TYPING SECTION 18 AUG. 1947 & REV. SECTN.

Subd

105) Subd for perusal. The report above referred to will be awaited from

26/7/47

106 26) Rec'd 26/7/47

12/8/47

Minister for Agric & P.W. 107) 27) For perusal

29/7/47

108 For drawing further instructions in the matter.

3/8/47

109 Dft ltr sent 31/7/47

110 Dft letter to the NC subd for appr

7/8/47

111) Issued 27920 dd 19/8/47

XXX Mr Secretary To day please N. 18/8 Sus A 19/8/47

UP. 32-46-4

Grant of Judicial Powers to village Panchayats

From the Revenue Court in Mysore RDR 2.c 31.47 dt 8/1/48.

112). Reference to rates of duty in Sub-Schedule 1 to Schedule I of Act 100 supra.

113) The Revenue Court observes the need for granting powers in regard to the exercise of judicial powers as they may deem to develop healthy feelings and as experience has also shown that the village courts have not functioned satisfactorily.

114) Even when a decision was arrived at in the Central Advisory committee, after members said under any civil powers could be granted.

115). The Rc is of opinion

Grant of Judl powers to VP:

opinion that village panchayats Courts may be sanctioned to the selected villages

116) As regards criminal powers, he is of the opinion that the selected VPs may be invested with third class Bench Magistrate's powers in respect of the following offences:-

(1) Night kaval cases under Police rules

(2) Cases of Nuisance under Public Health Act, if the act is made applicable to villages.

(3) Nuisance cases under Sec 64 of the V.P Act.

(4) Third class powers under the Cattle Trespass Act; Sec 56. Clauses (a) to (w) of the Kerala Police act; Kerala Elementary Edn Act; and Sec 4 of the Compulsory Vaccination

263 J 2908

Grant of Judicial Powers

117) If the proposals should be accepted, as many as 162 GPs in the State will have to be given this power suitable provision will have to be made towards the contingent grants to the GPs and a set of rules may perhaps be framed for the conduct of the ~~courts~~ business in these courts

118) Grant of Judicial powers may to a certain extent mitigate litigation in the rural areas in as much as the ryots will have ready justice at their doors, and the ~~incentive~~ for distorting and ~~concocting~~ tampering evidence will be considerably be reduced.

4931 - Law 263 ∫ 2908 VP 36 - CL 235-47

- Grant of Federal Powers to the village Panchayets 19

119) The Law Secretariat may be consulted in regard to (1) grant of the powers suggested by the R.C. and (2) the way in which such powers may be permitted to be administered if/when powers are granted

120) A - may be done

Rev Secy) 26/2/48

Law Secy, W/C) 28/2/48

6/3/48

7/2

8492 Law SECRETARY, LAW DEPARTMENT 1 MAR 1948 GOVT. OF MYSORE

121) The file could not be submitted as the connected file was not readily available.

Could not

17) The Courts collection, viz. CL 102-29 relating to the enquiries investiture "M" - SL(1-4)

4937/Law
(C5 235-47)

of powers on Amildars and Deputy Amildars to try offences under the Village Panchayet Act, is submitted herewith for reference

122) It is seen therefrom that ~~that~~ the Amildars have been empowered to try cases of prosecution under the Village panchayet Reg~~ulation~~

123) The Revenue Commissioner in Mysore, has recommended that the ~~the~~ Village Panchayats Constituted under Sec 3 of the Mysore Village Courts Act may be ~~empowered to invested with the powers~~ exercise jurisdiction over cases mentioned in the Act and that they may be invested with the powers of a Magistrate of IIIrd class with respect of the following four powers mentioned therein

124) Submitted for orders

30/4/48

125) This file has been referred to this branch for noting on the recommendations of the Rev Com in the matter of conferring Judicial powers on the Village panchayats.

126) It has been suggested that the Village Panchayets may be invested with Civil and Criminal powers.

127) Under the existing orders, the Amildars and Deputy Amildars who are Magistrates Ex-officio have been empowered to try offences punishable under the Village Panchayets Act.

128) The proposal on the present occasion is to invest the Village Panchayets with third class powers in respect of certain offences

129) It is submitted that in connection with the scheme of separation of the Judiciary from the Executive, the High Court have recommended the abolition of the Bench Courts in the State and the matter is under the consideration of Govt

130) With regard to the Civil powers, the Rev Com' has suggested that ~~Village panchayets Munsiff~~ ~~the~~ ~~appointed as Village~~ Munsiff Courts may be established in select Villages. the Munsiffs being selected from among the V.P Members &c

(C 235-47)

It would be (wd) better to Consult the
High Court in the first instance.

131) A draft is put up.

(AR 1/5)

132) The High Court may be consulted & the draft may be approved.

1/5

Lowe 4/5

133) PK 3/5

134) 3/5

11/11-5-48.

1) Issued No 7668/C4

To The Registrar
High Court of Mysore.

Requests to furnish the views of the
High Court on the suggestions of the Revl Commrs
in the matter of investing the Village Panchayats with
Judicial powers.

4937 / 6886 / 1368 (48-49)

Investiture of Certain Judicial Powers on Village Panchayats

2)

2908 / 19/9/48

Letter No R.O.C. 1153/47-48 dated 1-6-48 from the Registrar, High Court of Mysore, that the question of investiture of Certain Judicial Powers on Village Panchayats in the State, is under the Consideration of the High Court.

135) Submitted for perusal

136) Further report in the matter may perhaps be awaited

3/6/48 CSR 3/6

137) fr 4/6

GENERAL & REVENUE SECRETARIAT
17 AUG 1948
LAW BRANCH

Sec A 12/6/48

Letter No R.O.C. 1153/47-48 dated 25/8/48 from the Registrar High Court of Mysore - in the matter

138) The High Court are not in favour of granting judicial powers to Village Panchayats for the present as was stated by them and that the matter may be over till the new Constitution is inaugurated.

139) The file may perhaps be returned to the Revenue Branch with this information

L.B. 1977

1099 19/9/48 CSR 7/9

Law Secy) Asst Secy L.B. (Secy)

fr 7/9 8K 10/9 fr 1099

UP 32-464 2908
47-48

grant of judicial powers to village Panchayats

14° In view of what is expressed by the High Court, the proposal may perhaps be deferred. We will be informed accordingly

Hom JM 10/9

14/9 Rev Secy

14² In view of the High Court opinion no action appears to be necessary at present

Home Member 8/9

11/9 I agree 14/9

15/9

8/9 16/9

OFFICE OF THE HOME MINISTER
No. 2612
Date 14.9.1948

2908

47-48 UP 32-46

grant of Judicial Powers to UPS

(44) Note drafts (1) to Rc and (2) to the Regr High Court are put up for consideration

Dm 20/9/48

145-

To

The Revenue Comr in repre

LB 2684 UP 32-46-9

d 24-9-48

Intimates that the proposal may be deferred.

To

Secs of Dists

LB 2685-94 d 24-9-48

Inwards copies

To Regr High Court

UP 32-46-10.

LB 2683 d 24-9-48

Inwards a copy of

letter sent to Rc

27/9/48. The file may be referred to Law Sect for taking the collections which are back, and returning this branch file

Dm 27/9/48

Law Sect

29/68 1368 (45 49)

VB 32-46 (9-10)

The connected civ collections have been taken

The file may perhaps be returned to the Revenue Branch

RJ
27/9/48

V.P. 32. 46. 4

Office of the Revenue Commissioner in Mysore,

RD. R2. C.316/46-47. Bangalore, Dated, January 13, 1947.

FROM

S. NARAYANA RAO ESQ., M. A.(Hons)
Revenue Commissioner in Mysore,
BANGALORE.

TO

J. B. MALLARADHYA ESQ., M. A.,
Secretary to Government, Revenue Department,
BANGALORE.

GEN. & REV. SECRETARIAT. 5746 20 JAN. 1947 L. S. G. BRANCH.

SIR,

Sub: Re: Assignment of Judicial Powers to Village Panchayats under the Mysore Village Courts Act.

With reference to your letter no.L.987 dated 19.7.1946 requesting me to include the subject regarding assignment of judicial powers to the Village Panchayats under the Mysore Village Courts Act in the Agenda of the next meeting of the Central Advisory Committee for Rural Development for an expression of its views, I have the honour to state that the subject was placed before the Central Advisory Committee for Rural Development at its meeting held on 9.11.1946, and the Committee has resolved that one Panchayat in each selected hobli may be delegated with judicial powers in the first instance and watched for some time. A copy of the resolution is noted in the margin for kind perusal.

Subject: Assignment of Judicial Powers to Village Panchayats under the Mysore Courts Act.

Resolution: Mr. N.Channappa, President, District Board, Tumkur, stated that it was too early to delegate any such power to Village Panchayats and at best only civil powers could be bestowed on some Panchayats. Mr. Mallaradhya stated that he could not agree with the member in this behalf and that there were really some Panchayats which could exercise judicial powers quite satisfactorily. The position of the Village Panchayats had much improved. IT WAS RESOLVED that one Panchayat in each ~~kkkk~~ selected hobli be delegated with judicial powers in the first instance and watched for some time.

I have the honour to be,

Sir,

Your most obedient servant,

FOR REVENUE COMMISSIONER.

KSR)

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. L. 11486-520—V. P. 74-44-1, dated 28th May 1945.

Enhanced Powers on Village Panchayets.

Confers —— and makes arrangements for the effective supervision of work relating to Rural Development.

READ—

Government Order No. 8508-8557—V. P. 44-35-2, dated the 9th May 1936, sanctioning a scheme for organising concentrated propaganda in selected villages in the State.

2. Government Order No. L. 1564—V. P. 23-42-7, dated the 22nd October 1942, issuing orders regarding Rural Reconstruction Drive in selected hoblis in the State.

3. Government Order No. D. 687-767—E. C. 2-43-1, dated the 30th July 1943, reviving the scheme of Economic Conference, etc.

4. Government Order No. L. 6100-34—V. P. 63-44-3, dated the 20th December 1944, directing that a District Advisory Committee, consisting of the District Officers of the Development Departments and influential non-official gentlemen representing several interests, be constituted in each district for reviewing the progress of work under the Rural Drive Scheme, and to eventually function as a District Organisation under the Economic Development Scheme.

5. Government Order No. L. 4333-70—V. P. 22-44-3, dated the 3rd November 1944, directing that the scheme of Rural Drive be introduced into a second set of hoblis in the State.

6. Government Orders introducing the Village Panchayet Act in Mysore with amendments thereon from time to time.

ORDER No. L. 11486-520—V. P. 74-44-1, DATED BANGALORE, THE 28TH MAY 1945.

Under the Mysore Village Panchayet Act, 1926, the Village Panchayets in the State have been given statutory recognition and provision has been made for the administration of local affairs by the villagers themselves. The obligatory duties of Panchayets relate to village communications, conservancy and sanitation. But at the same time, it has been the policy of Government to encourage these bodies to undertake optional measures calculated to promote the convenience and economic welfare of the village communities, subject to their jurisdiction. This policy has assumed greater importance in recent years, owing to the progressive increase in expenditure on departments concerned with rural welfare and on subsidies made directly to the Panchayets themselves for several purposes. Government have emphasised the need for an organised and sustained effort by all those departments, whose activities touch the lives and surroundings of the rural population. The Village Panchayets can materially contribute to the success of this effort by active and intelligent co-operation.

2. During the year 1936, Government sanctioned under Government Order No. L. 8508-8557—V. P. 44-35-2, dated 9th May 1936, a scheme for organising concentrated propaganda in some of the selected villages in the State. As a result of this scheme, about 275 villages received special attention by the officers of the Development Departments and the Deputy Commissioners of Districts, and it was hoped that these selected villages would serve as models to other villages. Under this scheme, wherever public spirited non-officials co-operated with the local officers, the progress achieved in village improvement was striking.

3. With a view to achieve more speedy and substantial results in regard to improvement of village conditions, and to raise the standard of the Village Panchayet administration generally, Government sanctioned a Five-year Plan of Rural Reconstruction under Government Order No. L. 15-64—V. P. 23-42-7, dated 22nd October 1942. Under this scheme, it was sought to bring the Government and the

private agencies more closely together with a view to secure an all-round development of villages within a definite period according to a well-considered programme. It was decided that the benefit of the scheme should not be limited to specially selected villages but be gradually extended, hobli by hobli, to all the Village Panchayets in the State. The scheme was accordingly put into operation in 81 hoblis comprising a total of 4,076 villages. A brief account of the work carried out by the Panchayets and other agencies concerned with the scheme is given in the appendix to this order.

4. The scheme provides for the association of non-official initiative and direction by the appointment of honorary workers. The educated man is not, as a rule, willing to live in his village and competent local leadership is not always forthcoming. It has therefore been found necessary to develop an honorary rural service. More than 250 persons with the necessary aptitude and background have been selected and posted for their work after receiving special training in their varied duties. Under this system, there will be a trained worker resident in each group of villages responsible for advising the villagers, where to go for advice and how best to utilise their own skill and resources in improving their economic condition and the amenities of village life.

5. An Advisory Committee has been formed for each of the 81 hoblis in which the scheme is in operation. There is also a District Advisory Committee in each district. Prominent and active non-official workers have been selected as members of these Committees to assist the Deputy Commissioners and other local officers in drawing up programmes and reviewing the work done under the special scheme from time to time. At the top, there is a Central Advisory Committee for Rural Reconstruction consisting of important representatives of each district and the several Heads of Departments presided over by the Minister in charge, to review periodically the progress of work achieved and to co-ordinate the work of the State as a whole.

6. The Village Panchayet Act has been in force for 18 years now and various measures have been undertaken by the Government from time to time to develop the organisation of these Village Panchayets on sound lines. The great awakening in recent times of non-official interest in the health and welfare of the rural folk is a welcome indication and it is considered that a stage is now reached, when it is necessary further to expand the activities of Village Panchayets, so that they may serve not only as units of local administration, but as agencies for promoting all manner of collective activity—social, moral and economic—centered on village life.

7 Government are accordingly pleased to issue the following directions :—

(1) The privilege of electing their chairmen will, as a rule, be conferred on all Village Panchayets. Nomination to the Chairmanship of Village Panchayets will be made only in exceptional cases, where the Deputy Commissioners consider such a step necessary, having regard to local circumstances.

(2) Elected Chairmen of Village Panchayets may select a duly qualified non-official as their own leader for each hobli or a group of villages. Candidates so appointed will be treated for all practical purposes as Gramasudharakas appointed under the five-year plan of Rural Reconstruction sanctioned by Government in 1942.

(3) Steps should be taken in all appropriate cases (*a*) to transfer the management, conservation and maintenance of village forests whether reserved for fuel and fodder or for other purposes, to the existing Village Panchayets; (*b*) to empower the Village Panchayets to exercise all the powers and discharge all the functions of a panchayet under the Tank Panchayet Act of 1911, provided that the entire area irrigated by a tank is within the ordinary jurisdiction of a panchayet; (*c*) to entrust the Village Panchayets with the management of Minor Muzrai Institutions; and (*d*) to entrust the Village Panchayets with supervision over village schools in their area. Government desire that the Village Panchayets should function as Parent-Teachers Associations and that their work in connection with the school should be of an advisory character.

Note.—1. The delegation of the powers under 3 (*a*) to (*d*) above will apply in the first instance to the Village Panchayets in the selected hoblis under the five-year scheme.

Note.—2. The heads of departments concerned will submit a report to Government very early in regard to the rules to be prescribed in this behalf for the guidance of Village Panchayets on which these additional powers have been conferred and also in regard to the modifications to the existing rules that would be necessary in view of the present order.

No. L. 11486-520—V. P. 74-44-1, DATED 28TH MAY 1945.

(4) The question of assigning judicial functions to the Village Panchayets under the Mysore Village Courts Act is being separately examined and orders will issue in due course.

8. In modification of the existing orders, Village Panchayets will exercise the following enhanced financial powers and the restrictions hitherto imposed on the withdrawal of funds from the treasury will be relaxed :—

(i) Village Panchayets may sanction estimates for original public works or repairs costing not more than Rs. 300. Where the estimated cost of the work does not exceed Rs. 200, the preparation of formal estimates may be dispensed with by a resolution of the Village Panchayet recorded to that effect. In such cases, a certified copy of the resolution should be promptly sent to the Amildar of the taluk.

(ii) Village Panchayets may incur on their own initiative an expenditure not exceeding Rs. 25 in each case for the repairs of the village school buildings in their area.

(iii) Without obtaining the previous orders of the consent of the Amildar, the Village Panchayets may incur expenditure on account of contingent charges on the scale prescribed under the rules.

(iv) Where expenditure on specific items is supported by a formal resolution of the Village Panchayet, the Chairman or any other person duly authorised by him, may withdraw from the treasury the amount required for payment, without the countersignature of the Amildar to the payees' receipts, and no challans for payment at the treasury need be initialled by the Village Panchayet clerk in future. The Comptroller is requested to issue revised instructions to the treasury officers in this behalf.

9. With a view to set up a suitable agency in each taluk for co-ordinating the work of the Village Panchayets and for carrying out special activities under the Rural Development Scheme, Government direct that Taluk Advisory Committees be constituted in each taluk, consisting of the local officers of Development Departments and active public workers representative of various interests. The existing Hobli Advisory Committees will get converted as Taluk Committees for each taluk. It is the desire of the Government that these Committees should not confine their attention to matters falling within the scope of Village Panchayet administration, but should function generally as local economic councils for the general development of the taluk.

The functions of the District Advisory Committees will be similarly extended and they will be expected to act as local agencies for consultation by the Economic Conference and the Heads of Development Departments for the respective districts.

10. With the steadily growing volume of work under the Scheme of Rural Development and the need for securing adequate supervision and control over the several agencies at work in each district, Government consider that the Deputy Commissioners should each be given the assistance of a Gazetted Officer exclusively for this work. These officers, when they are appointed, will be designated as District Development Officers and they will be of the status of Assistant Commissioners. They will work under the direct control and guidance of the Deputy Commissioners. These officers will be *ex-officio* Secretaries to the District Advisory Committees.

11. Government trust that the enhanced powers now conferred on the Village Panchayets and the withdrawal of restrictions hitherto imposed on them in regard to the utilisation of funds at their disposal, will help to improve the standard of Village Panchayet Administration and enable the Panchayets under the guidance of the Taluk and District Advisory Committees to extend their activities over a wider field of Rural Development.

J. B. MALLARADHYA,
Additional Secretary to Government.

To—The Revenue Commissioner in Mysore.
The Deputy Commissioners of Districts.
The Comptroller to Government through the Financial Secretariat.
The Heads of Departments.
The Secretaries to Government.
The Secretary, Economic Conference.
The Special Officer for Rural Development in Mysore.
The Secretary, Central Advisory Committee for Rural Development in Mysore.

Exd.—T. N. S.

No. L. 11486-520—V. P. 74-44-1, dated 28th May 1945.

APPENDIX.

Progress under the Rural Reconstruction Scheme from 1st July 1943 to 31st December 1944.

1. In the villages selected under the Rural Reconstruction Drive Scheme, 153 wells have been completed and 730 are in various stages of progress, the cost of work done being Rs. 99,470-12-0. Four hundred and seventy-eight drainage works were completed and 243 were in various stages of progress. One hundred and fifty-one village extensions were formed and 116 were under progress. Under the system of Monday labour for the improvement of villages, work of the value of Rs. 1,04,418 was done by the villagers themselves. Out of this a sum of Rs. 14,256-10-3 was in adjustment of the Panchayet taxes due from the villagers.

2. Four hundred and sixty-two villages have employed sweepers, and in 2,524, the villagers have attended to the work of tidying up their villages. Thopes were formed in 231 villages and the number of trees planted in the selected villages was 98,643, of which 35,632 were fruit trees. Separate plots have been provided for manure pits in 462 villages and for kitchen gardens in 266 villages. For the recreation of the children, 252 playgrounds were formed in the selected villages.

3. One hundred and thirty-three schools were started and 6,027 children admitted into these schools. Under the adult literacy campaign, 617 classes were opened and 12,390 pupils attended them. One hundred and forty-six reading rooms and 180 libraries have been opened. Ninety-one scout troops and 212 cub packs have been formed with 676 scouts and 1,459 cubs. Ninety-eight Agricultural Depots were opened for supplying seed grains, manure and agricultural implements to the agriculturists. The Department of Agriculture conducted a number of crop experiments and laid out demonstration plots. Bee-keeping industry has been introduced in 95 villages and poultry farms have been started in 23 villages and stores branches were opened in 265 of the existing societies.

4. Considerable work has also been carried out for the improvement of the sanitation of the villages in the selected hoblis by the removal of manure heaps, closing unsightly pits, construction of soak pits, latrines, etc.

5. Roads of a total length of 530 miles were formed in the interior, excluding 188 miles of approach roads.

6. The Gramasudharakas delivered 3,080 lectures in the villages on sanitation and health. They did useful work by inducing the villagers to avail themselves of the services of the several Development Departments to improve their economic condition. They attended 3,914 Village Panchayet meetings and took active interest in the collection of Village Panchayet taxes and arrears, in inducing well-to-do persons to make donations for various charitable purposes and in securing improved attendance in the rural schools.

WD 2391—GPB—560—31-5-45

NL 12793/ V.P. 32-46-5 D 24.3.47

The Revenue Commissioner, Mysore
Bangalore

Sir,

Subject:- grant of Judicial powers to one Village Panchayet in each of the Selected Hoblis in the State.

With reference to your letter No.R.D.R.2.C. 316/4 dated the 13th Jany 1947, forwarding an extract from the resolution passed at the meeting of the Central Advisory Committee for Rural Development held on 9th Novr 1946 in the matter of the grant of Judicial Powers to the village panchayets in the state, I am directed to state that Government accept the proposals of the Central Advisory Committee for Rural Development to the effect that one panchayet in each selected hobli might be invested with ~~with~~ judicial powers in the first instance and the result watched for some time. It is necessary that attempts should be made in this direction to assist the village panchayets to rise to their full stature in the administration of the local affairs.

I am therefor to request you to be so good as to forward, in consultation with the D.Cs of Dists, definite and detailed proposals in this behalf for the orders of Government.

I have etc.,

Revenue Secretary to Govt.

NL. 12794-804 D 24.3.47

Copy w/c to the D.Cs of Districts
✓ Spl officer for R.D.
✓ Registrar of High Court, Bangalore for information.

By Order,

For Revenue Secy

Copy to the Protection Branch for information

26

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. L. 12793 / V.P. 32. 46-5 *Dated Bangalore,* 26 March 1947.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,

Revenue Department.

To

The Revenue Commissioner in Mysore,
BANGALORE.

S i r, Subject:- Grant of Judicial powers to one Village Panchayet in each of the Selected Hoblis in the State.

With reference to your letter No.R.D.R.2.C.316/46 dated the 13th January 1947, forwarding an extract from the resolution passed at the meeting of the Central Advisory Committee for Rural Development held on 9th November 1946 in the matter of the grant of Judicial Powers to the village panchayets in the State, I am directed to state that Government accept the proposals of the Central Advisory Committee for Rural Development to the effect that one panchayet in each selected hobli might be invested with judicial powers in the first instance and the result watched for some time. It is necessary that attempts should be made in this direction to assist the village panchayets to rise to their full stature in the administration of their local affairs.

I am therefore to request you to be so good as to forward, in consultation with the Deputy Commissioners of Districts, definite and detailed proposals in this behalf for the orders of Government.

I have the honour to be,
S i r,
Your most obedient servant,

for Revenue Secretary to Government.

SKG7.

Appendix F. G.—1]

27

SUBJECT.....

.....

.....

Diary No. of letter replied to 404

Section

File No.

Serial No.

No. L'987

General and Revenue Secretariat

( )

the 194

To.

The Revenue Commr in Mysore, Bangalor

Date of issue 19.7.46

Signed by.....

Sir,

In inviting reference to para 7 (4) of the Government order No L 11486-520 V.P. 74-44-1 dated 20-5-46 conferring enhanced powers on the Village panchayats in the State, and contemplating the assignment of judicial powers on them under the Village courts Act,

List of enclosures.....

Copied by.....

Examined by.....

WD 0874—GPB—25,000—20 11-45

I am directed to request you to kindly include the subject in the agenda of the next meeting of the Central Advisory committee for Rural Development for the expression of its views

I have etc

Secretary.

Memo L 988 dt 19.7.66

Copy of the above is forwarded to the Secretary, Central Advy committee for Rural Development for information and necessary action. The secretariat file in the subject will be made available at the time of the meeting, if required.

By order

Asst Secretary.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. L 987 *Dated Bangalore,* 19.7.46

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
Revenue Department.

To

The Revenue Commissioner in Mysore,
Bangalor

Sir,

In inviting reference to para 7 (4) of the Government Order No.L.11486-520/V.2.74-44-1 dated 28th May 1946 conferring enhanced powers on the village panchayats in the State and contemplating the assignment of judicial powers on them under the Village Courts Act, I am directed to request you to kindly include the subject in the agenda of the next meeting of the Central Advisory Committee for Rural Development for an expression of its views.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. J.B.Mallaradya.

Secretary to Government,
Revenue Department.

tvr.5.

Memo No. L988 Dated, Bangalore, the 19 July 1946.

Copy of the above is forwarded, with compliments, to the Secretary, Central Advisory Committee for Rural Development for information and necessary action. The Secretariat file on the subject will be made available at the time of the meeting if required.

By Order,

for Secretary to Government,
Revenue Department.

F2 PRS7
(47-48

Office of the Deputy Commissioner
(Development Branch),
Bangalore District,
Bangalore, dated 17th July, 47.

Secretary, Lab., E.A.,
Special Officer for Rural
Development in Mysore,
BANGALORE.

Sir,

Subject: Grant of Judicial powers to one Village Panchayet in each of the selected hobli in the State -

---

With reference to your letter No.R.D.M2.C.316/46-47, dated 9th March 1947, forwarding the copy of the letter No.L.1a793/V.1.3.46-5 dated 24.3.1.47 received from the Secretary to Government, Revenue Department, Bangalore, and calling for a report on the above subject, I have the honour to state that it is very necessary to give judicial powers to selected panchayets. The Subdivision Officers have been requested to select one panchayet in every selected hobli. After the list is received, it will be scrutinised and recommendation will be sent in the following lines for sanction of Government.

Bench

For each selected panchayet, a court of the rank of the Magistrate with third class powers may be sanctioned under the section 16(1) of the C. P. C. and all the members of such panchayet may be invested with third class powers and the Bench may be directed to take cognizance of the following cases.

1. Offences under Sec.56 of the Mysore Police Act;
2. Offences under the Cattle Trespass Act;
3. Night Ravel cases;
4. Assault (Sec.352);
5. Hurt (Sec.323);
6. Theft when the value of property does not exceed Rs.50/-.

The Deputy Commissioner will appoint the Chairman and two members out of the V. P. members for each Bench which may sit for three months or six months at a time.

On the Civil side, a village Munsiff's Court may be sanctioned for each of such selected villages under Sec.3 of the Mysore Village Courts Act. A Village Munsiff will be appointed by the Deputy Commissioner from among the V.P. members and all the V.P. members will be the list of persons entitled to sit in the Bench under Sec. of the Act. This village court will exercise jurisdiction over the cases mentioned in the Act and dispose them off.

The list of villages referred to above, will be sent shortly.

I have the honour to be,
Sir,

Your most obedient servant,

SD. A.C. NIRVANI GOWDA,

DEPUTY COMMISSIONER,
Bangalore District.

Appendix F. G.—1]*

SUBJEC (Grant of Jodl powers to VPS.)

Section VP.

File No. 32-46.

Serial No.

Diary No. of letter replied to.....

No. L 2792/d. 19.8.47

General and Revenue Secretariat

( )

the 194

To. The Revenue Commr
Dist Collectors
Bangalore

Date of issue.....

Subject

Signed by.....

Sir,

In inviting reference to my above letter no L 12793 VP 32-46-7 dt 26-7-1947 on the subject noted I am directed to request you to be good as to expedite the submission of the report as to the stage at which the matter stands at present and to enquire as to

List of enclosures.....

Copied by.....

...ined by.....

~~The~~ Specific proposals (with terms) ~~may~~ can be viewed with ~~the~~ ~~last~~ ~~expected~~ ~~to be received~~ ~~shortly~~ from you.

Yours etc
for 14/8/45
McKeesey

Appendix F. G.—1]⁵

SUBJEC (Grant of Field powers to VPS.)

Section VP.

File No. 32-46.

Serial No.

Diary No. of letter replied to.....

No. L. 2792/d. 19.8.47

General and Revenue Secretariat

( )

the 194

To. The Revenue Court
Bangalore

Date of issue.....

Subject

Signed by.....

Sir,

In inviting reference to this office letter no L 12793 VP 32-46-5 dt 26.3.1947 on the subject mentioned above I am directed to request you to be good enough as to expedite the submission of the report as to the stage at which the matter stands at present and to enquire as to when

List of enclosures.....

Copied by.....

Examined by.....

WD 02745—G PB—25,000—24-6 46

~~the~~ specific proposals (which should be viewed with caution) ~~that~~ I may have expressed ~~to the Chairman~~ on behalf from you.

Yours etc

Mr 14/8/45

M Reversey

2908
RD 12/1

RD. No. C.316/46-47.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Bangalore - Dated, January 8, 1948.

FROM

RAJAKARYAPRASAKTHA
S. NARAYANA RAO ESQ., M.A.(Hons)
Revenue Commissioner in Mysore,
BANGALORE.

12/1

TO

SYED ABDUL ALEEM ESQ., B. A.,
Secretary to Government,
Revenue Department,
BANGALORE.

SIR,

12/1/48

Subject: Re: Grant of Judicial Powers to one Village Panchayat in each of the selected hoblis in the State.

With reference to your letter no.L.12793 V.P.32-46-5 dated 24.3.1947, requesting me to forward, in consultation with the Deputy Commissioners of Districts, definite and detailed proposals on the above subject, I have the honour to state that the Deputy Commissioners of Districts were consulted in the matter, and they have stated as follows:-

The Deputy Commissioner, Bangalore District states that a Court of Bench of Magistrates with third Class Powers may be sanctioned for each selected Village Panchayat under Section 15(1) of the Criminal Procedure Code, and all the members of the Panchayet be invested with third class powers, and that the Bench may be directed to take cognizance of the following cases:-

1. OFFENCES under Section 56 of the Mysore Police Act.
2. OFFENCES under the Cattle Trespass Act.
3. Night Kaval Cases.

4. Assault (Section 352 of I.P.C.)
5. Hurt (Section 323 ")
6. Theft when the value of property stolen does not exceed Rs 50/-

He further states that the Deputy Commissioner may ~~be~~ appoint the Chairman and two members of the Village Panchayet for each Bench~~a~~ which may sit for three months or six months at a time. As regards the trial of Civil cases, he is of opinion that a Village Munsiff's Court may be sanctioned for each selected village under Section 3 of the Mysore Village - Courts' Act, that the Village Munsiff may be appointed by the Deputy Commissioner from among the members of the Village Panchayat, and all the Village Panchayet members may be in the list of persons entitled to sit in the Bench under Section 6 of the Act, and that the Village Court may exercise jurisdiction over the cases mentioned in the Act and dispose them off.

The Deputy Commissioner, Mysore District, also is of opinion that the Village Panchayats may be invested with judicial powers of a III class Bench Magistracy with respect to offences such as:-

1. Theft, when the value of property exceeds Rs 5/- punishable under Section 379 of the Indian Penal Code.
2. Assault under Section 352 of I.P.C.,
3. Night Kaval Cases under Village Police Rules.
4. Commission of public nuisance under the Public Health Act

The Deputy Commissioner, Tumkur District is not in favour of grant of Criminal Powers to Panchayats, as it is likely that factions grow up and spoil the interests and peace of the village. He suggests that the Village Panchayats may be invested with powers to

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to entertain civil suits up to a maximum of Rs 100/-

The Deputy Commissioner, Kolar District has sent a list of village panchayets to be invested with Judicial powers and states that extension of the privilege to all the selected hoblis at one Village Panchayat in each hobli may be considered later, after watching the working of the system.

The Deputy Commissioner, Hassan District also has sent a statement showing the names of selected villages in each hobli and the names of literate members who could be invested with powers. He states that judicial powers could be granted to the members suggested by him for a period of one year for the present, and they may be permitted to try offences under the Police Act, and third class offences under the Indian Penal Code and exercise the powers continously for a period of one year. He further states that the Court may be held on Mondays only, and depositions and judgments may be recorded in Kannada.

The Deputy Commissioner, Chickmaglur District states that a Village Munsiff's Court may be formed for one or more villages included in a specified Panchayat, that the provisions of Chapter III of the Village Courts Act may be followed regarding jurisdiction, resjudicata and limitation and that the procedure laid down in the above Act may be followed in the working of these Courts. As regards the grant of judicial powers on the Criminal side, he suggests that Benches of Magistrates may be formed as contemplated under Section 16 of the Criminal

Procedure Code for specified village panchayet, that simple cases of Assault under Sections 323 and 352 Indian Penal Code, Offences under Section 56 of the Mysore Police Act, and also offences under the Cattle Trespass Act may be tried by them. Regarding the constitution and working of these Courts, he states that the Rules under Chapter II Sub para 4 of II (a) of the Criminal Rules of Practice, Volume I may be followed.

The Deputy Commissioner, Shimoga District states that in view of the present standard of Village Panchayats, it is difficult to expect any solid work from them, as majority of them are not above local factions and that an experiment may be tried in a very few panchayats which are capable of discharging the onerous duties in an impartial manner. He suggests that for the purpose of exercising judicial powers, 3 literate members of the Panchayat may be selected to constitute a Bench at a time, as the entire Panchayat would be an unwieldy body and that the period of each Court may be fixed at one year to begin with, reserving the power of reconstitution either with Government, or delegated to the respective Deputy Commissioners. As regards the powers that may be exercised by them, the Deputy Commissioner states that they may be invested with powers indicated under Chapter III of the Village Courts Act of 1913, power under Section 26 of the Village Police Rules and III Class Powers under the Cattle Trespass Act. He further states that the jurisdiction of each Court may be a group of half a dozen neighbouring villages and necessary provision may be made for appeals etc., against the decisions of these Courts.

The Deputy Commissioner, Mandya District, recom-

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recommends the grant of the following powers to the Village Panchayats in the selected hoblis of his District:-

1. Powers conferred upon the Amildars to try nuisance cases under Section 64 of the Village Panchayat Act.

2. Powers to destrain and take other coercive measures(as taken by the Revenue Department for the collection of V.P. arrears)

3. Powers to get vacant sites cleaned and levy of the cost thereof to the owners of sites and to recover the same as V.P. arrears.

4. Powers that are now granted to the Village Munsiffs, and,

5. Powers to punish the offenders under Sections 41, 42,43 of the Land Revenue Code in connection with offences relating to the unauthorised felling of avenue trees in the jurisdiction of Village Panchayats.

I write to state that in view of the fact that several Village Panchayats are not holding their meetings regularly and discharging their functions regularly and the likelihood of the growth of party feelings, it seems necessary to go slow in this behalf. Besides, some of the existing village Munsiff Courts are not working quite satisfactorily. In these circumstances, I would suggest that the following proposals may kindly be considered by Government in regard to grant of judicial powers to the Village Panchayats in the selected hoblis of the State.

I. CIVIL POWERS.

Under Section 3 of the Mysore Village Courts Act, Village Munsiff Courts may be sanctioned in the selected villages, the Munsiff being appointed by the Deputy Commissioner among the members of the Village Panchayat and all the Village Panchayat members may be in the list of persons entitled to sit in the Bench under Section 6

of the Act, and the Village Court may exercise jurisdiction over the cases mentioned in the Act and dispose them off.

II. CRIMINAL POWERS.

In regard to Criminal Powers, Village Panchayats in the selected villages may be entrusted with judicial powers of a Third Class Bench Magistracy with respect of the following offences:-

1. Night Kaval Cases under Village Police Rules.
2. Commission of Public Nuisance under Public Health Act, if the Act is made applicable to villages,
3. and also Nuisance cases under Section 64 of the Village Panchayat Act,
4. Third Class Powers under the Cattle Trespass Act, Section 56, Clauses (a) to (w) of the Mysore Police Act, Sections25 and 28 of the Mysore Elementary Education Act, and Section 4 of the Mysore Vaccination Act.

I have the honour to be,
Sir,
Your most obedient servant,

S. Nanjappa

REVENUE COMMISSIONER

TN

dvg

KSR)

NW 7668/CG 235-47-1
put up 11-5-1948

C. No. .....
Ref. on Pet. No. ..... } 19 —19
App. No. .....

Dis. No.

Enclosure.....

Dated.....

Approved on.....

Copied on.....by.....

Examined on.....by.....

Signed on.....

Despatched on.....

Entered in—

Current
Petition
Appeal
} Register on.....
By.....

Periodical

Reminded on.....

DRAFT.

CG 235-47-1
Recd=we

To

The
The Registrar
High Court of Mysore

Docket Abstract.

Sir,

I am directed to forward herewith a copy of letter No RD R2 C.316/46-47 dt 8-1-1948 from the Revenue Commissioner in Mysore in the matter of investing the Village panchayats in the State with Judicial powers and to

WD 02530—GPB—50,000—2-4-43

Request that "Govt may Kindly be furnished with the Views of the Hon'ble Court on the suggestions of the Rev Com^{n}.

The favour of a very early reply is requested.

I have etc

3/5

Secretary to Govt
Law Dept

1/5

6880/Law

R. O. C. No. 1153/47-48.
D. Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore : Dated 31st May 1948

1768

FROM

K. C. LINGIAH GOWDER, ESQ, M.A., LL.B.,
Registrar, High Court of Mysore.

To

S. KANAKARATNARAJ, Esq., B.A., B.L.,
Legal Remembrancer and
Secretary to Government,
Law Department, BANGALORE.

SIR,

With reference to your letter No.7668/Cts.235-47-1 dated 11.5.1948 in the matter of investing the Village Panchayats in the State with judicial powers, I am directed to state that the matter is under the consideration of the High Court.

I have the honour to be,
Sir,
Your most obedient servant,

H.C. Lingiah Gowder
REGISTRAR.

GENERAL & REVENUE SECRETARIAT
2 JUN 1948
LAW BRANCH

SR.

R. O. C. No. 1153/47-48.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore 24th August *1948*

FROM

K. C. LINGIAH GOWDER, ESQ., M.A., LL.B.,
Registrar, High Court of Mysore.

To

S. KANAKARATNARAJ, Esq., B.A., B.L.,
Legal Remembrancer and
Secretary to Government,
Law Department, BANGALORE.

SIR,

With reference to your letter No.7668/Cts. 235-47-1, dated 11th May 1948, forwarding a copy of letter No.R.D.R2.C. 316/46-47, dated 8th January 1948 from the Revenue Commissioner in Mysore in the matter of investing the village panchayets in the State with judicial powers and requesting to be furnished with the views of the High Court in the matter, I am directed to state as follows:-

The non-official bodies which are now exercising judicial powers in the State are (1) Honorary Bench Magistrates on the Criminal side and (2) Village Munsiffs on the Civil side. The scheme of introduction of Honorary Magistrates commended itself to Government as early as 1909 as one worthy of adoption and the system was introduced to all the Districts in the State as it worked somewhat satisfactorily for some time. From the year 1927-28 onwards the work of these Magistrates was found to be not satisfactory both in quality and quantity and the High Court took steps from time to time to get most of such Courts abolished. The only Districts where the Bench Courts are still allowed to continue are Bangalore, Kolar and Hassan. Even in these Districts, the Bench Courts have not been working satisfactorily. Most of them have been deprived of entertaining cases under the Penal Code and they try only petty cases under Special and Local laws. The system as a whole is not working satisfactorily due to irregular attendance on the part of the Honorary Magistrates and also due to the difficulty experienced in getting suitable men to serve on the Benches.

Even

Even as regards the work of the Village Munsiffs, the state of affairs is no better. The work in those Courts is found to be very unsatisfactory inspite of repeated instructions issued in the matter.

Under the above circumstances, I am to state that the High Court is not in favour of granting judicial powers to Village Panchayets in each of the selected Hoblies for the present and that the matter may lie over till the new constitution is inaugurated.

"I have the honour to be;
S i r,
Your most obedient servant,

H.C. Lindsay Fisher
REGISTRAR.

LB 2684

16 Copies. VP 32-469

24-9-48

To

The Revenue Commr in Mysore

Bangalore 24

Sir,

Subject:- grant of Judicial Powers to the village Panchayats

With reference to the correspondence ending with your letter No RDR 2 C 316/46-47 dated 8th Jan 1948, suggesting the grant of certain Judicial powers to a limited number of the village panchayats of the Selected Taluks in the State in pursuance of a Resolution passed at the meeting of the Central Advisory Committee for Rural Development on 19.11.1946, I am directed to state that Govt are not in favour of granting

of judicial powers to the
village panchayats for the
present and the matter may
therefore lie over till the
new constitution is
inaugurated.

Yours faithfully

for Secretary to Govt
Rev Deptt

Memo No LB

Copy of the above is
forwarded w/c to the Deputy
Comrs of districts for information.

By order

for Revsecy

Copy to Law Secty
" Rev. Prot^n Br
" Revsecy

Asst Editor

II

LB 2683/ VP 32-46-10

24-9-48

To

The Registrar,
High Court of Mysore
Bangalore

Sir,

Subject:- Grant of Judicial Powers to the Village Panchayets

With reference to the correspondence ending with your letter No R O C. 1153/47-48 dated 24/25th Aug 1948, addressed to the Legal Remembrancer and Secretary to Govt, Law Dept on the above subject, I am directed to enclose herein, a copy of the reply ~~forwarded~~ sent to the Revenue Court on the subject ~~for information~~

Yours faithfully

for Secy to Govt
Revenue

GEN. & REV. SECRETARIAT
LIBRARY.
Date.....
No. L 569

REGULATION V OF 1089.

THE COCHIN VILLAGE PANCHAYAT REGULATION.

Passed by His Highness the Raja on the 16th day of Kumbhom 1089 corresponding with the 27th day of February 1914.

Preamble.

WHEREAS it is expedient to provide for the organisation of Village Panchayats in the Cochin State, with a view to render the principal and more intelligent subjects of His Highness the Raja useful by employing them in administering justice to their neighbours, and also by entrusting to them certain public duties such as the construction and repair and maintenance of village roads, tanks and wells, the execution of repairs to and maintenance of minor irrigation works and the distribution and regulation of water supply, improvement of sanitation, prevention of epidemics, the maintenance of water pandals, the preservation intact of all poramboke paths, lanes and canals and village reserves in local areas not included within the limits of any town constituted under Regulation I of 1085, the improvement and development of agriculture, prevention of cattle mortality and such other matters calculated to promote the health, comfort and prosperity of the inhabitants of such local areas; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title and commencement.

1. This Regulation may be called "The Cochin Village Panchayat Regulation" and it shall come into force on the first day of Meenom 1089.

Extent.

2. The Diwan may, with the sanction of His Highness the Raja, from time to time, by notification in the Government Gazette, specify the villages or areas to which any or all of the provisions of this Regulation shall apply and may, by a like notification, withdraw any of such villages or areas from its operation.

Procedure for suits and decrees pending in area withdrawn from Regulation.

3. When any such village or area is withdrawn from the operation of this Regulation, all suits pending in a Village Panchayat Court established therein under this Regulation, shall be heard and determined and all decrees passed by such Court and remaining unexecuted, shall be executed by the Civil Court which, if the suit were about to be instituted, would have jurisdiction to try it.

Such suits shall be tried and such decrees shall be executed as suits instituted in and decrees passed by such Civil Court.

Interpretation.

4. In this Regulation, unless there be something repugnant in the subject or context,

Village.

(1) "Village" means a local area recognised in the recent Revenue Survey and Settlement for purposes of Land Revenue administration, as a village or group of such villages, or a local area for which a Village Panchayat has been established under this Regulation.

Village Panchayat.

(2) "Village Panchayat" means the body of persons constituted as such for a village under this Regulation.

Village Panchayat Court

(3) "Village Panchayat Court" means a Civil Court of original jurisdiction established under this Regulation for a village.

District Munsiff or District Judge.

(4) "District Munsiff" or "District Judge" means the District Munsiff or District Judge within the local limits of whose jurisdiction the Village Panchayat Court is situated.

CHAPTER II.

Establishment and Constitution of Village Panchayats.

Establishment of Village Panchayat.

5. The Diwan may, from time to time, by notification in the Government Gazette, establish a Village Panchayat for any one village or part of a village or group of villages and may, at any time, in like manner, modify or cancel such notification.

Parvathiakarans to be *ex-officio* members.

6. (1) A Village Panchayat, established under this Regulation, shall consist of five members, one of whom shall be styled the President. The Parvathiakaran or Chief Village Officer of a Revenue Village, comprised in the jurisdiction of a Panchayat established under this Regulation, shall be *ex-officio* a member of the Panchayat.

(2) If any doubt shall arise as to who is the Parvathiakaran of a Revenue Village comprised in the jurisdiction of a Panchayat established, under this Regulation, it shall be competent to the Diwan Peishkar to declare by an order in writing who is such Parvathiakaran for the purposes of this Regulation.

Appointment of President and other members.

7. The President and the other members of the Village Panchayat shall be appointed by the Diwan according to such rules as the Diwan may, from time to time, prescribe with the sanction of His Highness the Raja in that behalf, and they shall hold office for a period of two years. Provided that the Diwan may, by notification in the Gazette, provide for all or any of the members other than the ex-officio member being elected, subject to such rules and conditions as may, from time to time, be prescribed by the Diwan with the sanction of His Highness the Raja.

Suspension or removal of a member.

8. The Diwan may suspend or remove the President or any member of a Village Panchayat for incapacity, neglect of duty, misconduct or other just and sufficient cause, and shall do so on a requisition made by the Chief Court for like cause appearing in the judicial proceedings of such President or member.

Resignation of Panchayatdars.

9. Any person appointed to be President or member of a Panchayat may tender his resignation to the Diwan and on such resignation being accepted, shall be deemed to have vacated his office.

Powers and duties of President.

10. Subject to such rules as may be framed by the Diwan in this behalf, it shall be competent to the President of a Village Panchayat to appoint, degrade, suspend, dismiss or otherwise deal with any member of the establishment sanctioned by the Government for that Panchayat. It shall be the duty of the President and, in his absence, of the senior member, to control and supervise the work of the Panchayat and to carry on all correspondence connected therewith.

Duties and responsibilities of Village Panchayats.

11. A Village Panchayat shall, in the village or villages under its authority, subject to such rules as may, from time to time, be prescribed by the Diwan with the sanction of His Highness the Raja and under a notification published to that effect in the Gazette, so far as the funds placed at its disposal will permit, have the control and administration of, and provide for one or more or all of the following matters, as the Diwan may deem fit to fix with due regard to local conditions and circumstances :—

(a) The construction, repair and maintenance of minor irrigation works denominated "Chiras," "Kappus," "Chals," "Thodus," etc., and the regulation and distribution of water supply to the lands commanded by such works.

(b) Constructing and repairing tanks and wells, and such other works as will supply the inhabitants of the area over which the Panchayat has jurisdiction with a wholesome supply of water for drinking and other purposes.

(c) Preservation intact of all poramboke paths, lanes and canals useful for purposes of communication, cattle grazing grounds and village reserves.

(d) Control over vaccination and registration of vital statistics.

(e) Construction and repair of village roads and maintenance of road side avenues.

(f) Maintenance of Sirkar water pandals.

(g) Attending to all matters relating to the improvement of village sanitation, such as prevention of epidemic diseases, cleaning of roads, drains, etc., and generally doing such things as may be necessary for the preservation of the health of the public.

(h) Formation of Co-operative Societies under Regulation IV of 1088.

(i) Supervision over elementary education.

(j) Improvement of agriculture and agricultural cattle and prevention of cattle mortality.

(k) Maintenance intact and repair and renewals of survey and boundary marks.

Provision of funds required by a Village Panchayat.

12. The funds required by the Panchayat to carry out the purposes of this Regulation, shall be placed at its disposal by the Diwan in accordance with the rules that may be prescribed by the Diwan in this behalf from time to time.

Panchayat office and meetings.

13. The Village Panchayat shall provide an office and shall meet for the transaction of business with reference to matters enumerated in section 11 at least once in a month.

Who is to preside at the meeting.

14. (1) The President shall preside at each meeting and in his absence, the members of the Panchayat shall elect one of their number present at the meeting to preside thereat.

Majority to decide questions.

(2) All questions coming before a meeting shall be decided by a majority, and, in the case of equality of votes, the President or presiding member of the Panchayat shall have a second or casting vote.

(3) No business shall be transacted at a meeting unless three of the Panchayatdars then on the Panchayat be present.

Record of minutes.

15. (1) Minutes of the resolution passed at each meeting shall be recorded in a book kept for the purpose, and shall be signed by the President or the member of the Panchayat who presided at the meeting.

Copies to be sent to Tahsildar of Taluk.

(2) Copies of the resolutions of the Panchayat shall be prepared and sent by the President, within three days after the passing thereof, to the Tahsildar of the Taluk.

President to carry out resolutions.

16. The resolutions of the Panchayat shall be carried out by the President in whom the entire executive power of the Panchayat shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of this Regulation.

Power of Diwan to make rules.

17. The Diwan may, from time to time, with the sanction of His Highness the Raja, frame rules to regulate,

(a) the administrative powers of the President and other members of a Village Panchayat,

(b) generally, all matters connected with the carrying out of the provisions of this Regulation.

CHAPTER III.

Establishment and Constitution of Village Panchayat Courts.

Establishment of Village Panchayat Courts.

18. The Diwan may, from time to time, by notification in the Cochin Government Gazette, authorise the members of any Village Panchayat to form themselves into a Village Panchayat Court and to be Judges of that Court for the purpose of exercising original civil jurisdiction under this Regulation within the local limits of the village of which they form the Panchayat.

Constitution of Village Panchayat Courts.

19. A Village Panchayat Court established under this Regulation shall consist of five Judges, one of whom shall be styled the President. Every suit instituted and every proceeding before a Village Panchayat Court shall be disposed of by a Bench of at least three judges. In case of difference, the opinion of the majority shall prevail. When the Judges are equally divided, the opinion of the President, or, in his absence, of the Senior Judge, shall prevail.

For the purpose of this Regulation, the Diwan may nominate one of the Judges other than the President as the Senior Judge.

A. Jurisdiction, Resjudicata and Limitation.

Cognizance of suits by Village Panchayat Courts.

20. The following are the suits which shall be cognizable by Village Panchayat Courts, namely, —claims for money due on contract, or for personal property or for the value of such property, when the debt or demand does not exceed in amount or value the sum of thirty rupees, whether on balance of account or otherwise :

Proviso.

Provided that no action shall be brought in any such Court—

(1) on a balance of partnership account, unless the balance shall have been struck by the parties or their agents,

(2) for a share or part of a share under an intestacy or for a legacy under a will,

(3) for rent for land, unless such rent be due upon a written contract signed by the defendant,

(4) by or against the Government or public officers in their official capacity,

(5) by or against minors or persons of unsound mind.

Jurisdiction up to Rs. 200 with consent.

21. With the written consent of both parties executed before the Court, a Village Panchayat Court may hear and determine suits of the nature described in section 20, the amount or value of which shall not exceed Rs. 200.

Courts in which suits to be instituted.

22. Subject to the provisions of section 23, and notwithstanding anything contained in the Civil Courts Regulation, No. III of 1076, every suit falling within section 20 shall be brought in the Village Panchayat Court within the local limits of whose jurisdiction the defendant is, or if there are more defendants than one, the majority of them are, at the time of the commencement of the suit, residing or carrying on business or personally working for gain.

Suit in which member is personally interested.

23. No member of a Village Panchayat Court shall try any suit to which he is a party or in which he is personally interested or shall adjudicate upon any proceeding connected with or arising out of, such suit. Every such suit or proceeding may be instituted in the Panchayat Court of the village immediately adjoining.

Resjudicata.

24. No Village Panchayat Court shall try any suit brought on a cause of action, which has been heard and determined by a Court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

Suit to include the whole claim.

25. Every suit instituted in a Village Panchayat Court shall include the whole of the claim, which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of the claim in order to bring the suit within the jurisdiction of such Court.

Relinquishment of part of claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall be precluded from bringing a fresh suit for, or in respect of, the portion so omitted or relinquished.

Incidental determination of matters not cognizable by Village Panchayat Court.

26. If, in the decision of a suit cognizable by a Village Panchayat Court under sections 20 and 22, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit concerning title to immovable property, or the legal character of either of them or of those under whom they claim, or the existence of any contract or obligation, which, if it had

been the immediate subject matter of the suit, would not be cognizable under this Regulation by a Village Panchayat Court, it shall be competent to the Village Panchayat Court to decide such question of title, legal character, contract or obligation, as far as may be necessary for the determination of such suit: but such decision shall not be evidence of such title, legal character, contract or obligation in any other action though between the same parties or their representatives.

Limitation.

27. The provisions of the Cochin Limitation Regulation, II of 1079, shall apply to suits and applications under this Regulation: Provided that no suit or application shall be entertained by a Village Panchayat Court after the expiration of three years from the time when the right to sue or make the application first accrued.

Transfer of suits.

28. The District Munsiff may withdraw any suit from a Village Panchayat Court and transfer it for trial by himself, or to any other Village Panchayat Court within the local limits of his jurisdiction:

Provided that any party applying to have a suit withdrawn from a Village Panchayat Court and tried by the District Munsiff shall, before any such order of transfer is made, pay, in respect of the application, the amount of fees payable under the Court Fees Regulation, II of 1080.

B. The institution and frame of suits, recognized agents, the issue and service of summons on parties, adjournments and consequences of non-appearance.

Suits to be commenced by plaint.

29. Every suit under this Regulation shall be instituted by presenting a plaint to the Village Panchayat Court, together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided, together with the copy of the summons.

Particulars to be contained in plaint.

30. The plaint shall be written in Malayalam and signed by the plaintiff, or in his absence, by an agent duly authorised by him, and it shall contain the following particulars:—

(a) the name, description and residence of the plaintiff and defendant,

(b) a concise statement of the cause of action and when it arose, and

(c) the relief prayed for and the total amount or value of the claim.

31. Any party to any suit before a Village Panchayat Court may appoint, by Vakkalathnama, any person to appear and plead for him, but it shall be competent to the Village Panchayat Court, whenever it thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit, and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.

Appearance in person or by agent.

32. When the plaint has been presented, the Village Panchayat Court shall cause the same to be registered, and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day. The summons shall be served on the defendant personally and a copy thereof delivered to him by the Village Masapidi usually employed in carrying messages, or by any other person appointed for the purpose.

Summons to defendant how served.

33. If the Village Panchayat Court is satisfied that the defendant is evading service of the summons, the Court may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant, residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

Mode of service when defendant evades service.

34. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Panchayat Court, it shall be forwarded to the District Munsiff, who shall cause it to be served as if it had been a summons issued by himself and shall then return it to the Village Panchayat Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

Mode of service when defendant beyond local jurisdiction of Court.

35. If a defendant does not appear in person or by agent on the day fixed and it be proved that the summons was duly served, the Village Panchayat Court may proceed *ex parte*.

Procedure if defendant does not appear.

If it is not proved that the summons was duly served, the Village Panchayat Court shall issue a fresh summons.

Every defendant may claim two clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which written notice shall be given to the defendant.

Defendant can claim two days' notice of suit.

Procedure where the plaintiff does not appear and defendant does not admit claim or where summons not served through plaintiff's default.

36. If, on the day fixed for the defendant to appear,

(1) neither party appears, or

(2) the plaintiff does not appear and the defendant appears and does not admit the claim, or

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear, the suit shall be dismissed unless the Village Panchayat Court otherwise directs.

Procedure where the plaintiff does not appear and defendant admits claim

37. If the plaintiff does not appear, but the defendant appears and admits the claim wholly or in part, the Village Panchayat Court shall pass judgment against the defendant in accordance with such admission, provided that, when only a part of the claim is admitted, the Court may adjourn the hearing to a future day.

Setting aside order under section 36 or 37 on cause shown.

38. Whenever a suit is dismissed under clause (1) or clause (3) of section 36, the plaintiff may bring a fresh suit, and if within thirty days from the date of an order under clause (2) of section 36, dismissing the suit, or of a decree passed for only a part of the claim under section 37, the plaintiff satisfies the Village Panchayat Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree, and shall appoint a day for proceeding with the suit.

Setting aside *ex parte* decree against defendant.

39. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Village Panchayat Court for an order to set it aside, and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as it thinks fit, and shall appoint a day for proceeding with the suit :

Provided that, where the decree is of such a nature that it cannot be set aside as against such defendant only, it may be set aside as against all or any of the other defendants also.

40. No decree shall be set aside on any application under section 38 or section 39 unless notice has been served on the opposite party.

No decree to be set aside without notice to opposite party.

C. The hearing, withdrawal or compromise of suits and the summoning and examination of witnesses.

41. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim or if the suit be compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If he does not admit the claim, he shall be required to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

Procedure on appearance of both parties.

42. If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the Court, which shall strike the suit off the file, and no fresh suit shall be brought on the same cause of action.

Withdrawal of suit.

43. If the parties agree to have the suit or any part of it decided by an oath taken by one of them in Court or elsewhere and tender a written agreement signed by both of them setting forth the terms of the oath and the place where it is to be taken, the Court may accept such agreement. After the oath has been taken in the manner proposed, the Court shall decide the case in terms of the agreement.

When suit may be settled by oath.

After the agreement has been accepted by the Court, it shall not be competent to any of the parties to withdraw therefrom without the leave of the Court. If any party so withdraws or refuses to take the oath without lawful excuse, the Court may decide the case against him or pass such other order as it deems proper.

44. The defendant may set off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Panchayat Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Set-off.

Witnesses not present to be summoned.

45. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim and shall take all such evidence as may be produced in behalf of the plaintiff and of the defendant.

The Court may, if it thinks fit, on the application of the plaintiff or defendant, issue process to compel the attendance of any witness or the production of any document.

The Court shall, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial, be deposited in Court.

Interrogatories when to issue.

46. Any witness residing within the jurisdiction of the Village Panchayat Court may be summoned in writing by such Court. Any witness residing within five miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Parvathyakaran within whose jurisdiction he resides.

If any witness resides more than five miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories with a letter, to the District Munsiff within whose jurisdiction the witness resides, and such District Munsiff shall forthwith summon and examine the witness upon the interrogatories and shall return his answers to the Court in which the suit is pending.

Summons to appear and give evidence or produce document.

47. A summons may direct the party summoned either to appear and give evidence, or to produce or cause the production of any document.

Exemption of certain women and other persons from personal appearance.

48. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the Village Panchayat Court shall itself or by Commission examine such person at his or her residence.

49. Witnesses shall be examined on oath or solemn affirmation and it shall not be necessary for the Village Panchayat Court to take down the evidence of the witnesses in writing at length; but any one of the Judges, as the examination of each witness proceeds, shall make a memorandum of the substance of what the witness deposes and such memorandum shall be signed by the Judges before whom the witness is examined.

Examination of witnesses.

Every such memorandum shall form part of the record.

50. If it appears likely that the parties will settle the matter amicably or for any other sufficient cause, the Village Panchayat Court may adjourn the hearing to a day to be fixed in the presence of the parties, or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any one of them fail to appear, the Village Panchayat Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections 36 and 37 or make such other order as it thinks fit.

Adjournment in view to amicable settlement or for other cause.

D. The decree and its execution.

51. When the parties or their agents have been heard and the evidence on both sides considered, the Village Panchayat Court shall pass such decree as may seem just, equitable, and according to good conscience.

On conclusion of hearing, Court to pass decree.

52. The decree shall be in Malayalam and shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the movable property to be delivered, the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportion such costs shall be paid.

Contents of decree.

The decree shall be dated on the day on which it is passed, and signed by the members of the Panchayat Court concurring therewith. Each party shall be entitled to receive a copy of the decree upon application.

53. In suits for money the Village Panchayat Court may, in the decree, order interest at such rate as the Court deems reasonable, not exceeding twelve per cent, to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for

In suits for money decree may order interest to be paid on the principal sum adjudged.

any period prior to the institution of the suit, with further interest at such rate, not exceeding six per cent. as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of the payment, or to such earlier date as the Court thinks fit.

Effect where decree is silent as to further interest.

Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest and a separate suit therefor shall not lie.

When a Village Panchayat Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

Court by which decree may be executed.

54. The decree shall be executed by the Village Panchayat Court which passed it or by a Village Panchayat Court or District Munsiff to whom it is sent for execution under the provisions hereinafter contained.

Decree for specific movable how executed.

55. If the decree be for any specific movable, it may be enforced by the seizure of the property and its delivery to the decree-holder. If the seizure of the property be not practicable the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Payment of money under a decree or other adjustment to be made or recorded in open Court

56. All money payable under a decree passed by a Village Panchayat Court shall be paid in open Court to the decree-holder or his agent specially authorised in writing, but if the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in open Court, and attested by the Judges then constituting the Bench.

Such payment or adjustment shall be endorsed by the Bench on the decree and recorded in the register of suits.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised unless it has been made or recorded in the manner prescribed by this section or in the Court of the District Munsiff.

Judgment-debtor not to be arrested nor immovable property attached.

57. Subject to the provisions of section 72, no judgment-debtor shall be arrested, and no immovable property attached, in execution of a decree by a Village Panchayat Court: Provided that it shall be competent to the Diwan to empower a Village Panchayat Court or its President to order on the application of the decree-holder, execution of the decree by the issue of a warrant directed against the person of the judgment-debtor, if he is within the local limits of the jurisdiction of the Court, and to prescribe the jail in which any person so arrested shall be imprisoned.

Attachment of movable property.

58. On the application of the decree-holder, the Village Panchayat Court, or, on days when the Court does not sit, the President, may order attachment of any movable property within its jurisdiction, belonging to the judgment-debtor, pointed out by the decree-holder to the value of the sum payable under the decree:

Provided that the following properties shall not be liable to such attachment, namely:—

(a) the necessary wearing apparel and bedding of the judgment-debtor, his wife and children,

(b) tools of artisans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such,

(c) the materials of houses and other buildings belonging to and occupied by agriculturists,

(d) books of account,

(e) mere rights to sue for damages,

(f) stipends and gratuities allowed to military and civil pensioners of the Government and political pensions,

(g) the salary of a public officer or any servant of a Railway Company or local authority to the extent of—

(i) the whole of the salary where the salary does not exceed ten rupees monthly,

(ii) ten rupees monthly where the salary exceeds ten rupees and does not exceed twenty rupees monthly, and

(iii) one moiety of the salary in any other case,

(h) the pay and allowance of persons to whom the Native Articles of War apply,

(i) the wages of labourers and domestic servants.

Explanation. The particulars mentioned in clauses (f), (g), (h), and (i) are exempt from attachment or sale whether before or after, they are actually payable.

Provided also that nothing in this section shall be deemed to exempt the materials of houses and other buildings from attachment or sale in execution of decrees for rent.

How made if in possession of judgment-debtor.

59. If the property be in the possession of the judgment-debtor, it shall be attached by actual seizure, and the Court shall provide for its safe custody. It may be left in the custody of the judgment-debtor, upon sufficient security being given in writing for its production when required. On default, the decree may be executed against the surety to the value of the property not produced.

How made if not in possession of judgment debtor.

60. If the property be not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Debts how attached.

61. Debts and moneys due to the judgment-debtor, shall be attached by a written order prohibiting the judgment-debtor from recovering the sum of money, and the debtor from making payment thereof, until the further order of the Court. Nothing in this section shall be held to authorise a Village Panchayat Court to attach or sell a debt charged on immovable property.

Private alienation of property after attachment void.

62. When an attachment has been made by actual seizure or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Investigation of claims to attached property.

63. If any claim be preferred to property attached in execution of a decree, the Village Panchayat Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Property to be sold not less than 15 days after attachment, and sale to be proclaimed.

64. As soon as possible after attachment, the Village Panchayat Court shall fix a day, not less than 15 days from the date of attachment, for the sale of the property attached and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto:

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale proceeds, subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Procedure in sale.

65. On the day fixed for the sale, the property shall be put up for sale by public auction in open Court and sold to the highest bidder. The price shall be paid without delay, and in default, the property shall again be put up for sale.

On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree has been passed against him for the same.

Power to adjourn sale.

66. Any sale advertised under this Regulation may, at the discretion of the Court, be adjourned to a specified day, public notice thereof being given in the manner prescribed by section 64.

Judge and other officers not to bid for or buy property sold.

67. No Judge of a Village Panchayat Court or other officer having any duty to perform in connection with any sale under this Regulation, shall, either directly or indirectly, bid for or acquire any interest in any property sold at such sale.

Stoppage of sale on tender of debt and cost.

68. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the Court.

69. Out of the moneys realised in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Division of proceeds of sale.

70. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

Property actually seized to be delivered to purchaser.

71. When the property sold is in the possession of any person other than the judgment-debtor or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

In other cases how property delivered to purchaser.

72. Any decree passed by a Village Panchayat Court may, on the application of the decree-holder, be transmitted for execution to the District Munsiff, who may execute the same as if it were a decree passed by himself, or may transmit it for execution to the Panchayat Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

Decree may be transmitted to the District Munsiff for execution.

It shall be competent to the District Munsiff to withdraw the execution of any decree from any Village Panchayat Court and to execute it himself, as if it were a decree passed by himself.

District Munsiff may withdraw execution of any decree.

E. Miscellaneous.

73. If a plaintiff or defendant die before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

74. If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If no application made suit to be dismissed.

Property to be sold not less than 15 days after attachment, and sale to be proclaimed.

64. As soon as possible after attachment, the Village Panchayat Court shall fix a day, not less than 15 days from the date of attachment, for the sale of the property attached and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto:

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale proceeds, subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Procedure in sale.

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On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree has been passed against him for the same.

Power to adjourn sale.

66. Any sale advertised under this Regulation may, at the discretion of the Court, be adjourned to a specified day, public notice thereof being given in the manner prescribed by section 64.

Judge and other officers not to bid for or buy property sold.

67. No Judge of a Village Panchayat Court or other officer having any duty to perform in connection with any sale under this Regulation, shall, either directly or indirectly, bid for or acquire any interest in any property sold at such sale.

Stoppage of sale on tender of debt and cost.

68. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the Court.

69. Out of the moneys realised in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Division of proceeds of sale.

70. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

Property actually seized to be delivered to purchaser.

71. When the property sold is in the possession of any person other than the judgment-debtor or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

In other cases how property delivered to purchaser.

72. Any decree passed by a Village Panchayat Court may, on the application of the decree-holder, be transmitted for execution to the District Munsiff, who may execute the same as if it were a decree passed by himself, or may transmit it for execution to the Panchayat Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

Decree may be transmitted to the District Munsiff for execution.

It shall be competent to the District Munsiff to withdraw the execution of any decree from any Village Panchayat Court and to execute it himself, as if it were a decree passed by himself.

District Munsiff may withdraw execution of any decree.

E. Miscellaneous.

73. If a plaintiff or defendant die before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

74. If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If no application made suit to be dismissed.

75. If there be more plaintiffs or defendants than one and any of them die, and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

76. If a decree-holder die before the decree has been fully executed, his legal representative may apply to the Village Panchayat Court to substitute his name as the decree-holder in the room of the deceased, and if the Court be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If decree-holder die, his legal representative may be substituted.

77. If a judgment-debtor die before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

If judgment-debtor die, decree may be executed against his legal representative.

78. The District Munsiff may, on a petition being presented within 60 days from the date of any decree or order of a Village Panchayat Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground of corruption, gross partiality or misconduct of any of the members of the Village Panchayat Court, or of the Court having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity, or that the decree or order is clearly unjust or contrary to law, and may pass such other decree or order as it thinks fit; provided that no decree or order of a Village Panchayat Court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the District Munsiff may stay execution of the decree or order.

Revision by District Munsiff of Village Panchayat Court proceedings.

A petition under this section may be entertained after sixty days by the Munsiff's Court, if it is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Panchayat Court shall be final.

79 Whenever under section 78 the District Munsiff sets aside a decree or order, he may report the case to the District Judge and shall report every case in which a decree or order is set aside on the ground of corruption, gross partiality, or misconduct of any of the Judges.

District Munsiff's Court may and in certain cases shall report to the District Judge.

80. The Chief Court may, from time to time, prescribe forms and registers for use in the Village Panchayat Courts and the returns which they shall be bound to submit, and may, at any time, call for, and inspect the registers and records of the Village Panchayat Courts.

Power of Chief Court to prescribe forms, etc.

81. A fee of five per centum of the value of the suit shall be paid on its institution in the Village Panchayat Court, and notwithstanding anything contained in the Court Fees Regulation, II of 1080, no other fee shall be paid for the issue of processes or otherwise at any subsequent stage of the suit or in matters relating to execution.

Amount of institution fees leviable

Provided, however, that when a suit is transferred for trial or when a decree is transmitted for execution from a Village Panchayat Court to a Court of the District Munsiff under the provisions hereinbefore contained the rules in regard to the levy of process and other fees with respect to such suits and proceedings obtaining in the District Munsiff's Court shall become applicable :

Provided that no copy of the decree or any other record in the suit shall be supplied to either party, except at the expense of the party making the application.

82. The provisions contained in the Code of Civil Procedure (Regulation I of 1079) shall, so far as they are consistent with the provisions of this Regulation, apply to the Village Panchayat Courts.

Provisions of Civil Procedure Code to apply.

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75. If there be more plaintiffs or defendants than one and any of them die, and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

76. If a decree-holder die before the decree has been fully executed, his legal representative may apply to the Village Panchayat Court to substitute his name as the decree-holder in the room of the deceased, and if the Court be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If decree-holder die, his legal representative may be substituted.

77. If a judgment-debtor die before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

If judgment-debtor die, decree may be executed against his legal representative.

78. The District Munsiff may, on a petition being presented within 60 days from the date of any decree or order of a Village Panchayat Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground of corruption, gross partiality or misconduct of any of the members of the Village Panchayat Court, or of the Court having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity, or that the decree or order is clearly unjust or contrary to law, and may pass such other decree or order as it thinks fit; provided that no decree or order of a Village Panchayat Court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the District Munsiff may stay execution of the decree or order.

Revision by District Munsiff of Village Panchayat Court proceedings.

A petition under this section may be entertained after sixty days by the Munsiff's Court, if it is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Panchayat Court shall be final.

District Munsiff's Court may and in certain cases shall report to the District Judge.

79 Whenever under section 78 the District Munsiff sets aside a decree or order, he may report the case to the District Judge and shall report every case in which a decree or order is set aside on the ground of corruption, gross partiality, or misconduct of any of the Judges.

Power of Chief Court to prescribe forms, etc.

80. The Chief Court may, from time to time, prescribe forms and registers for use in the Village Panchayat Courts and the returns which they shall be bound to submit, and may, at any time, call for, and inspect the registers and records of the Village Panchayat Courts.

Amount of institution fees leviable.

81. A fee of five per centum of the value of the suit shall be paid on its institution in the Village Panchayat Court, and notwithstanding anything contained in the Court Fees Regulation, II of 1089, no other fee shall be paid for the issue of processes or otherwise at any subsequent stage of the suit or in matters relating to execution.

Provided, however, that when a suit is transferred for trial or when a decree is transmitted for execution from a Village Panchayat Court to a Court of the District Munsiff under the provisions hereinbefore contained the rules in regard to the levy of process and other fees with respect to such suits and proceedings obtaining in the District Munsiff's Court shall become applicable :

Provided that no copy of the decree or any other record in the suit shall be supplied to either party, except at the expense of the party making the application.

Provisions of Civil Procedure Code to apply.

82. The provisions contained in the Code of Civil Procedure (Regulation I of 1079) shall, so far as they are consistent with the provisions of this Regulation, apply to the Village Panchayat Courts.

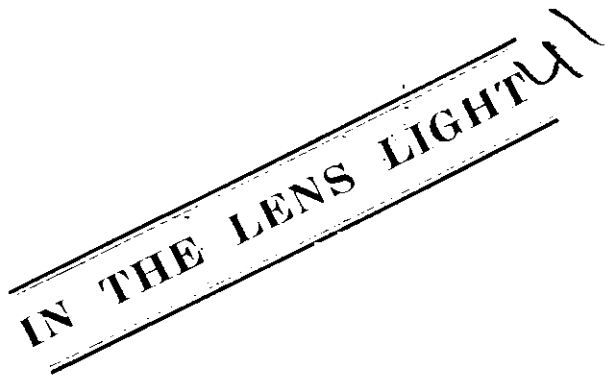
SIGN MANUAL.

Printed at the Cochin Government Press.

DEVELOPMENT

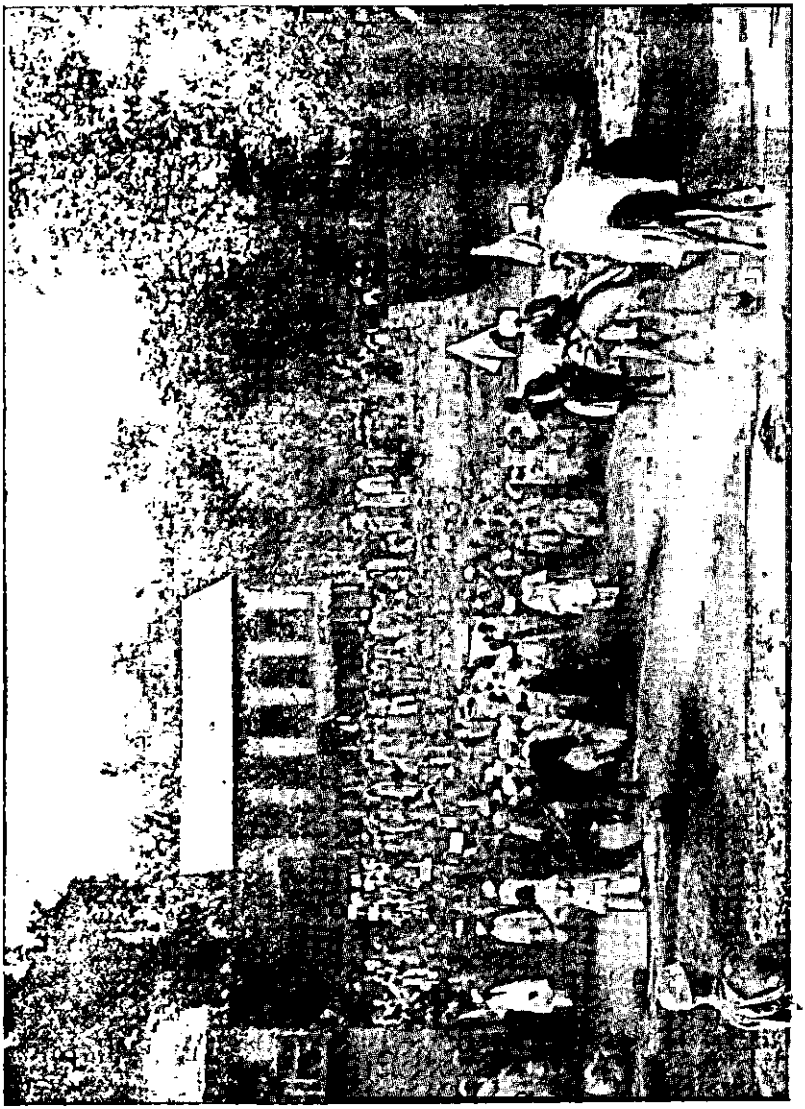
- IN -

RURAL KASHMIR.



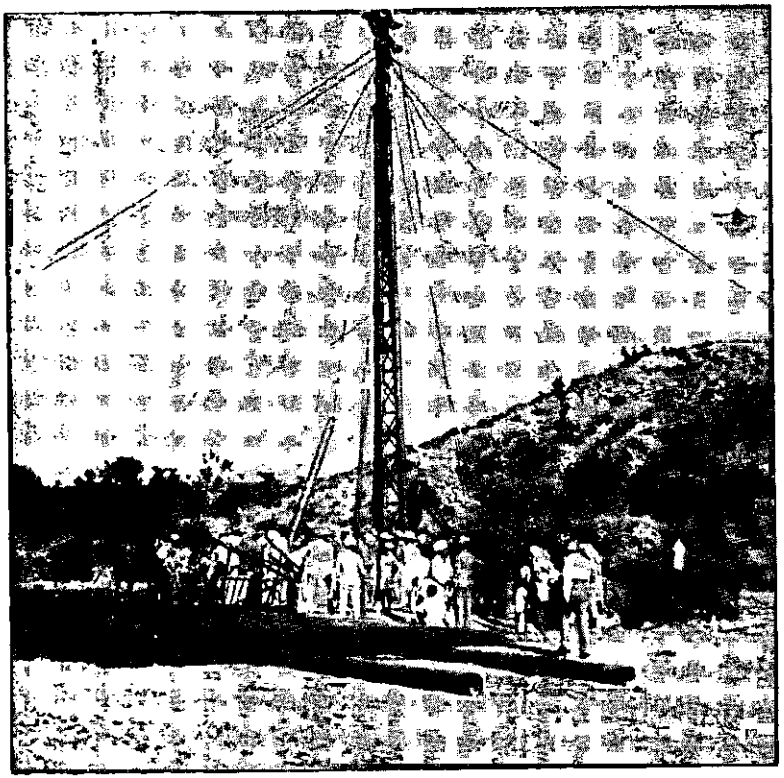
RURAL DEVELOPMENT DEPTT
JAMMU & KASHMIR GOVERNMENT.

1941.



A CLEANLINESS PROCESSION GOING ROUND
IN A KASHMIR VILLAGE

Such processions are usually arranged during the health weeks celebrated by the Village Panchayats Hundreds of Panchayats have so for celebrated health weeks, during which competitions are held in Personal, House and village cleanliness. These celebrations help in infusing a civic sense among the rural folk.



SINKING A DEEP TUBE WELL.

ROCK BORING PLANT AT WORK IN JAMMU PROVINCE.

Among alternatives that have been tried as sources of water supply for Kandi Illaqa, are the construction of pacca ponds, wells and installation of hydrams. When ordinary methods of sinking failed boring was undertaken by a special rock boring plant. The picture shows one such plant in operation at Bari, in Samba Tehsil of Jammu Province.

Abundance of water was struck at a depth of 234 feet below the ground level, but boring is being continued to find out a sandy strata capable of providing over 10,000 gallons of water per hour. This well when completed will serve a group of villages, populated b no less than 8 thousand souls.

A TYPICAL WELL

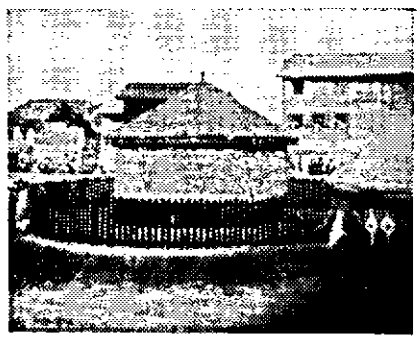
In Kandi Illaqa of Jammu Province.

(The depth of the well is over 160 ft.)

Kandi—a baren rocky tract lying in the outer hills division—has a precarious drinking water supply. People living in this tract have sometimes to fetch water from a distance of over five miles The problem is being tackled by providing among other things, deep water wells of the type shown in the picture. So far about 70 wells of depths varying from 150 ft. to 225 feet have been sunk in this illaqa at a total cost of about Rs 2,20,000. These wells will serve a population of more than 4 lakh souls.

A WATER RESERVOIR IN KASHMIR.

Water reservoirs have been uilt at many places in the ashmir Valley. Besides, wells, hand-pumps and springs with covered tops have been provided in over 150 villages in the valley at a total cost of about Rs. 50,000



A WELFARE UNIT IN A VILLAGE.

Village welfare deputation of the Educated Unemployeds' Association si sent by the department to tour villages in the different parts of the State. Magic lantern-lectures, physical fitness campaigns and health parades are arranged by the members of the deputation. The deputation has covered over 126 villages. The doctor accompanying the deputation provides free medical assistance to a large number of people.

HEALTH AND SANITATION CAMPAIGN.

During summer holidays parties of college students are sent into villages for organising Health and Sanitation campaigns. So far four such annual campaigns have been held in which 74 volunteers participated. More than 88 villages were visited. Number of persons attended to by the students so far is over 8246.

Other statistics :—

1. *Medical aid rendered to 6632 persons.*
2. *Number of houses, lanes and compounds cleaned 6632.*
3. *Number of manure pits dug 2557.*

A RADIO SET BEING INSTALLED IN A VILLAGE

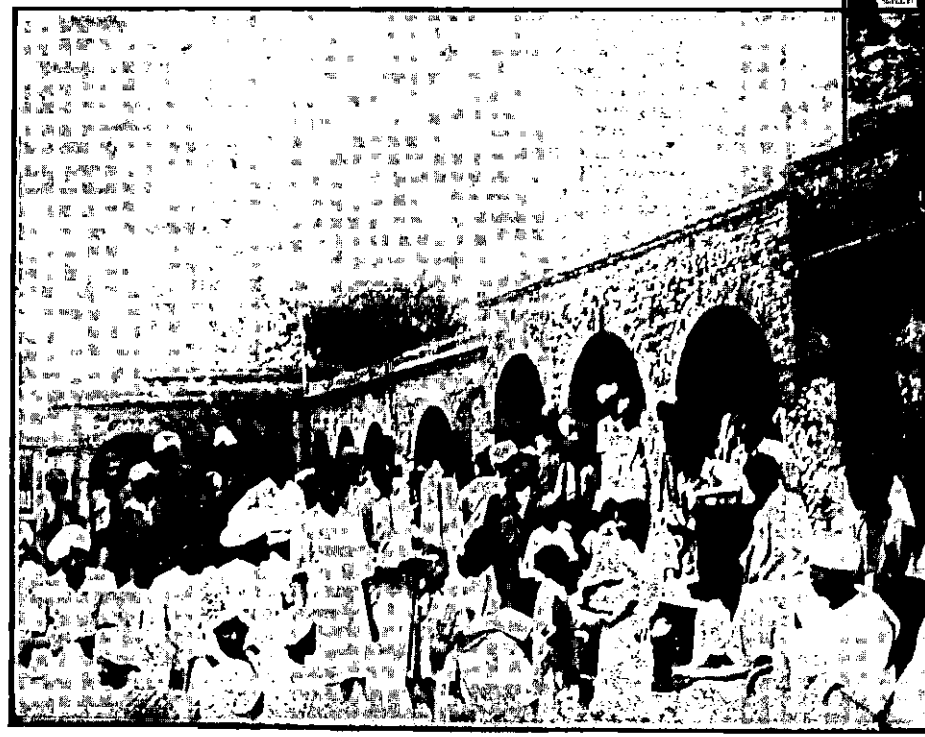
Nearly 50 radio sets have been installed in about 20 tehsils of the State. Estimated number of persons who have listened into the broadcasts is over 5 lakhs. Radio sets are becoming very popular and Village Panchayats now make handsome contributions for purchase of sets to be stationed within their jurisdictions. So far 10 Panchayats have offered contributions for the purpose.

VILLAGE GAMES

People are encouraged to take to sports during their leisure. A prominent feature of the development programmes of most of the Village Panchayats is of opening of games and recreation clubs where besides village games, folk dances and village dramas are being arranged.

ANTI MALARIA CAMPAIGN IN JAMMU PROVINCE.

DISTRIBUTION OF QUININE.



DESTRUCTION OF JUNGLE GROWTH.

Some parts of Jammu Province are highly infected by Malaria. The Department undertook three years back a systematic drive to control its spread. Parties of departmental staff accompanied by village scouts, members of village panchayats, Revenue and Medical Officers visit and camp in infected villages where green vegetation and jungle growth is destroyed. Tulsi and Niazboj seeds are then distributed and got sown in the areas concerned. Quinine is also distributed free of cost during these visits.

For the last three years an amount of Rs. 4190/- was spent and more than 125 villages were brought under campaign in which nearly 15,000 people were served.

PANCHAYAT GHAR AT SUMBAL.

To house panchayat offices and provide common meeting places, people are encouraged to construct Panchayat Ghars. The cost of Panchayat Ghar varies from Rupees twelve to sixteen hundred. The people are required to contribute about one fourth of the cost of the building. So far one Panchayat Ghar has been constructed and two more are under construction. Proposals for construction of eight more are in hand. In all these cases the villagers have offered handsome contributions.

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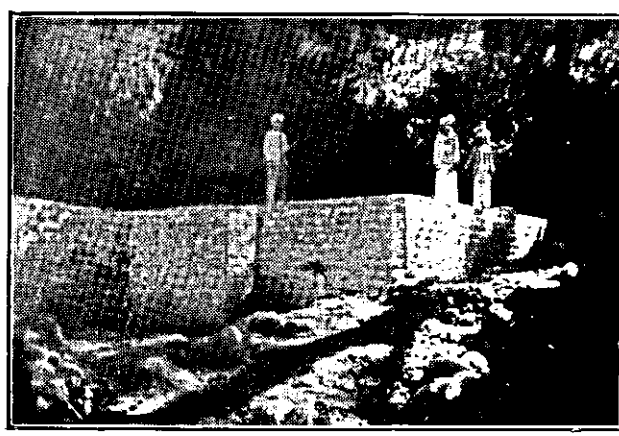
A BATH ROOM CONSTRUCTED BY A VILLAGE PANCHAYAT.

About 192 bath rooms at a total cost of Rs. 23,109 have been built in different villages of both the provinces.



WATER SUPPLY TANKS AT NALOCHI MUZAFFARABAD.

A large number of such tanks have been constructed by Village Panchayats in different parts of Muzaffarabad District.

صوبہ جموں کے ایک گاؤں کی پنچایت سڑک بنا رہی ہے

Villagers in Jammu Province constructing a road by providing free voluntary labour.

Village folk busy in constructing a road in Kashmir Province

By voluntary contribution of free labour villagers in both the provinces have so far constructed over 420 miles of fair weather roads thus connecting more than 200 villages with trunk and mufasil roads.

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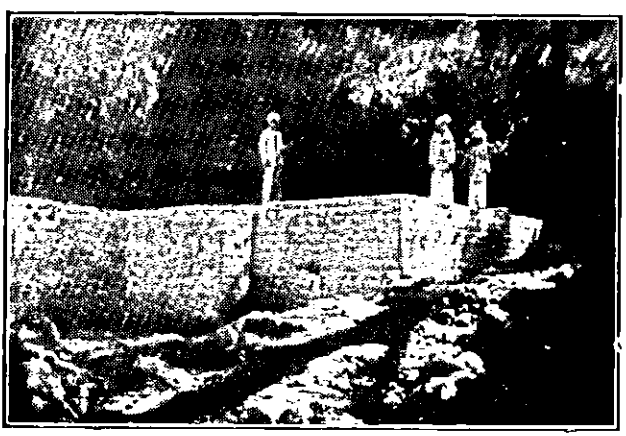

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A VILLAGE PANCHAYAT IN SESSION

424 Panchayats covering a jurisdiction of over 2220 villages have been established so far. Besides exercising Judicial powers village panchayats have recently been invested with enhanced judicial, municipal and administrative powers.

ABYAL BRIDGE OVER JHELUM.

Thi bridge over Jhelum constructed by Rural Development Department is an important link between the people living on the two sides of the Jhelum at Abyal, a village near Muzaffarabad. Improvements in inter-village communications from one of the main items of the programme of the Department. Another similar bridge ever Jhelum is under construction at Chandanwari in Uri Tehsil

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A FAIR WEATHER ROAD AND BRIDGE CONSTRUCTED BY A VILLAGE PANCHAYAT.

Over 100 Panchayats have been given departmental aid for construction of bridges, culverts and crossings. Total cost of these improvements has been Rs 59934

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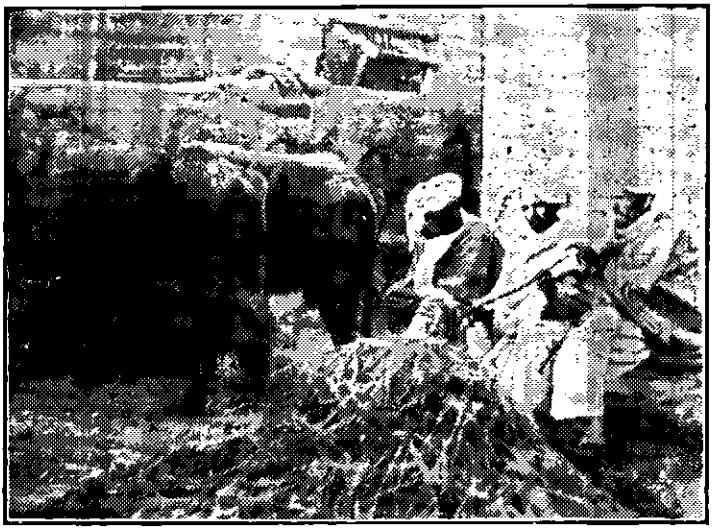


PANCHAYAT MEMBERS

Deliberating over the problem of disposal of village refuse.

Almost all Panchayats are taking keen interest in problems connected with village sanitation.

A PANCHAYAT IN KASHMIR PROVINCE

Discussing the problem of food grain scarcity.

By their energetic action village panchayats have during a short period of two months provided food grain for over 20,000 people. The good work they have undertaken is being continued with very successful results. Encouraging reports are being received from all quarters regarding the tactful manner in which the Village Panchayats are handling this delicate problem.

WHAT WE DO

1. Village Surveys.
2. Improvement in Village Sanitation, communications and drinking water-supply.
3. Establishment of Village Panchayats.
4. Organisation of village games and folk dances.
5. Education of masses through organising Panchayats libraries, cinematograph, Radio, Magic lantern mobile public address system, Coloured Picture Posters, pamphlets, handbills and bulletins.

Printings———Dewans Press, Jammu.

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

ACT NO. XI OF 1998.

AN ACT TO AMEND THE JAMMU AND KASHMIR VILLAGE PANCHAYAT ACT NO. 1 OF 1992.

—:o:—

JAMMU :

Printed at The Ranbir Government Press—27-4-98—325.

1941.

HIS HIGHNESS' GOVERNMENT JAMMU & KASHMIR.

PRAJA SABHA DEPARTMENT.

The following Act which was passed by the Jammu and Kashmir Praja Sabha on 12th April 1941 and received the assent of His Highness the Maharaja Bahadur on 2nd June 1941 is hereby published for general information :—

ACT NO. XI OF 1998.

An Act to amend the Jammu and Kashmir Village Panchayat Act No. 1 of 1992.

Whereas it is expedient to amend the Jammu and Kashmir Village Panchayat Act No. 1 of 1992 for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (*i*) This Act may be called the Jammu and Kashmir Village Panchayat (Amendment) Act, 1998.

Short title and extent.

(*ii*) It extends to the State of Jammu and Kashmir including the Jagirs of Poonch and Chenani.

(*iii*) It shall come into force when after receiving the assent of His Highness the Maharaja Bahadur it is first published in the Government Gazette.

1-A. In section 3 of the Jammu and Kashmir Village Panchayat Act No. 1 of 1992 (hereinafter referred to as the said Act), clause (11) shall be deleted and clause (12) shall be renumbered as (11) and in that clause for the words "who is placed.....Wazarat" the words "appointed as such by Government by notification" shall be substituted.

2. (1) In sub-section (1) of section 4 of the said Act, the words "or Wazir Wazarat until a Panchayat Officer is appointed subject to the control the Governor of the Province" shall be deleted.

Amendment of section 4 of the Jammu and Kashmir Village Panchayat Act.

(2) For sub-section (2) of section 4 of the said Act, the following sub-section shall be substituted, namely :—

"(2) The Panchayat Officer may, by notification published in village or villages concerned, include within the area of a panchayat constituted under sub section (1) any area situated in the immediate vicinity thereof, or exclude from a panchayat any area comprised therein.

(3) The following shall be added as sub-section (3) to section 4 of the said Act

"(3) Any inhabitant of a circle may, within three months of the order under sub-section (1) or (2) submit, in writing, any objection, he may have to such order and the Panchayat Officer shall consider such objection and pass such orders as he may consider proper"

Amendment of sections 5, 7, 8, 11, 12, 32, 51 and 70.

3. In section 5, 7, 8, 11, 12, 32, 51 and 70 of the said Act the words "or Wazir Wazarat until a Panchayat Officer is appointed" shall be deleted.

Amendment of section 5.

4. In section 5 of the said Act for the word "seven", the word "eleven", shall be substituted.

Substitution of section 6.

5. For section 6 of the said Act, the following shall be substituted :-

"(1) Such number of the panches of a panchayat as the Panchayat Officer may determine shall be elected in the manner prescribed and the rest shall be nominated by the Panchayat Officer :

Provided that the majority of the panches shall be elected.

(2) A Panch shall unless removed under section 8 hold office for a period of three years from the date of the confirmation of the election by the Panchayat Officer or nomination as the case may be, or until his successor is elected or nominated".

Addition of section 6-A.

6. After section 6 of the said Act, the following section shall be inserted, namely

Disqualification.

"6-A. (1) A person shall be disqualified for being chosen as or for being a member of a Panchayat :—

(a) if he does not reside within the circle of such a Panchayat ;
(b) if he is whole-time servant of the State ;
(c) if he is under 21 years of age ;
(d) if he is of unsound mind ;
(e) if he has been adjudged insolvent by a competent Court
(f) if he has been convicted of any such offence or subjected by a criminal Court to any such order as implies, in the opinion of the Panchayat Officer, subject to appeal as provided in sub-section (2),

a defect of character rendering him unfit to be a panch;

(g) if he is not a State subject."

(2) If the Panchayat Officer declares any person to be disqualified under clause (f) of sub-section (1) such person shall have a right of appeal to such authority as the Government may determine"

Amendment of section 8.

7. (1) In section 8 of the said Act for the words "for misconduct, neglect of duty or insolvency", the following shall be substituted :—

"Who is in his opinion guilty of misconduct, incapacity or neglect of duty or whose continuance in office is in his opinion undesirable in the interest of the public or of the panchayat"

(2) The present section 8 shall be numbered as sub-section (1) and the following shall be added as sub-section (2) :—

"(2) The Panchayat Officer shall by order in writing remove any panch who becomes disqualified for being a member of a panchayat under section 6-A".

Amendment of section 10

8. For the first paragraph of section 10 of the said Act, the following shall be substituted :—

"10. The Government may suspend or dissolve any panchayat for misconduct or neglect of duty".

Amendment of section 11.

9. In section 11 of the said Act the words "by the Panchayat Officer or the Wazir Wazarat until a Panchayat Officer is appointed" shall be deleted, and for the words "the Governor of the Province" the words "such authority as the Government may determine" shall be substituted.

9-A. For section 13 of the said Act, the following shall be substituted :—

"No. business shall be transacted at any meeting of a panchayat unless such meeting is attended by more than one-half of the total number of panches."

Substitution for the heading of chapter III.

10. In the heading of chapter III of the said Act for the words "Jurisdiction of Panchayats" the words "Judicial functions of the Panchayats" shall be substituted.

10-A. In section 19 (b) of the said Act for the words 'previously fined", the word "convicted" shall be substituted and after the word "Panchayat" the words "on two previous occasions" shall be added.

Amendment of section 21.

11. In sub-section (1) (c) of section 21 of the said Act for the word "one" the word "two" shall be substituted.

12. In section 24 of the said Act, the following amend-
Amendment of section 24. ment shall be made :—

(1) For the words "Revenue Minister" the word "Government" shall be substituted.

(2) In clause (1) for the word "fifty" the word "seventy-five" shall be substituted.

(3) In clauses (2) and (3) for the word "twenty" the word "thirty" shall be substituted.

(4) In clause (4) (*c*) for the word "two" the word "five" shall be substituted.

13. After section 32 of the said Act the following section
Addition of new section 32-A and 32-B. shall be inserted, namely :—

"32-A. Notwithstanding anything contained in this Act, a panchayat may take cognisance of a suit the total value of which does not exceed Rs. 500 if the parties mutually agree in writing to be filed before the panchayat that they will abide by the decision of the panchayat in such suit.

32-B. The Panchayat Officer, on the application of any of the parties or on his own motion, order the transfer of a case from one panchayat to any other panchayat

Provided that before passing such an order the Panchayat Officer shall, after issue of a notice to the parties, hear objections, if any, to such transfer."

14. For section 63 of the said Act the following section
Substitution for section 63. shall be substituted, namely :—

"63. Every panchayat shall have a fund to be called the panchayat fund which shall be administered by the panchayat subject to rules made by the Government and shall be utilised for meeting necessary expenditure and charges made and incurred in connection with the performance of its duties and functions under this Act."

15. In section 64 of the said Act, the following
Amendments of section 64. amendments shall be made :—

(1) For the words "the village fund shall consist of" the words "the following receipts and moneys shall be credited to the panchayat fund" shall be substituted.

(2) In clause (3) the full stop at the end shall be deleted and the following words shall be added :—
"or taxes, tolls and fees levied under section 65-A."

(3) In clause (4), the words from "and those leviable..." upto the end shall be deleted. "a

(4) After clause (4), the following clauses shall be added :

(5) Notwithstanding anything contained in the Village Sanitation Act for the Provinces of Jammu and Kashmir, all fines realised under that within the area of the panchayat :

(6) Sanitation cess levied on the revenue paying land situate within the circle of the panchayat ;and

(7) Income from or sale proceeds of property vested in the panchayat."

16. In section 65 the words "or any officer appointed by the Government in this behalf" after the word "Government" shall be deleted.

17. After section 65 of the said Act, the following shall be inserted, namely :—

Addition of new sections 65-A, 65-B and 65-C.

"65-A. (1) Subject to such rules as may be made by Government in this behalf, a panchayat may, with the previous approval of the Government, levy such taxes, tolls or fees and for such period as it may find necessary for the benefit of the village or villages under its jurisdiction.

Power of taxation.

(2) No tax or fee shall be levied under sub-section (1) unless the levy thereof is sanctioned by a resolution of the panchayat supported by a majority, consisting of at least more than half of its sanctioned strength at a meeting specially convened for the purpose.

(3) When the panchayat shall have sanctioned with the approval of the Government, the levy of any tax or fee under sub-section (1) such panchayat shall atonce notify in the prescribed manner in the village or villages in which the tax oh fee is to be levied, the rate at which and the date from whicr such tax or fee is to be levied."

"65-B. Subject to such rules as may be made by the Government in this behalf, all the taxes or fees levied under sections 65 and 65-A by the panchayat and moneys recoverable under section *70-A* or sub-section (2) of section 70-B shall be recoverable as if they were arrears of land-revenue".

Recovery of dues as arrears of land revenue.

"65-C. Any person dissatisfied with the assessment under this chapter may within such time as may be prescribed, apply to the panchayat either orally or in writing, for a revision of the assessment and the panchayat may amend or confirm the same."

18. For section 66 of the said Act, the following section shall be substituted :—

Substitution of a new section for section 66.

"66. Subject to such rules as may be prescribed shall be the duty of the panchayat within the limit of its finances, to make arrangements for carrying out the requirements of the panchayat area in respect of the following matters :—

Compulsory duties of the panchayat.

(a) the construction, maintenance and improvements of culverts, bridges and public roads and the disposal of drainage water and sewage

(b) the ex avation, maintenance, improvement and disinfection of wells, tube wells, ponds and tanks for the supply of water for drinking, washing and bathing ;

(c) the construction of reservoirs and the maintenance, improvement and disinfection of springs and the maintenance in proper condition of machinery for the supply of water for drinking, washing and bathing ;

(d) the establishment and maintenance of burial and burning grounds ;

(e) elementary education

(f) the cleaning of streets, the removal of rubbish, heaps, and jungle growth, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary conditions of the village

(g) the provision for public latrines, and arrangement to clean latrines, whether public or private ;

(h) the control and management of cattle ponds ;

(i) the maintenance of markets ;

(j) the maintenance of public libraries and reading rooms ;

(k) any other matter which Government may by notification declare to be a suitable subject for the administration by panchayats generally or by any particular panchayat

Provided that nothing in this sub-section shall be deemed to impose any duty or confer any power upon the panchayat with respect to any matter under the direct administrative control of any department of Government or to authorise he panchayat to interfere with any existing legal tights."

19. After section 66 of the said Act, the following new sections shall be inserted, namely:—

Addition of new sections 66-A to 66-I.

"66-A (1) A panchayat may make provision for—

(a) the planting and preservation of trees on panchayat property;

(b) the excavation and maintenance of tanks and ponds for animals;

(c) the relief of the poor and the sick;

(d) the organisation and celebration of public festivals other than religious festivals,

(e) the improvement of agriculture and agricultural stocks;

(f) the laying out and maintenance of public gardens and play-grounds

(g) the promotion and encouragement of cottage industries;

(h) the extension of village sites and regulation of buildings;

(i) the protection of village from floods, fires, wild animals and other unforeseen calamities;

(j) other measures of public utility calculated to promote the safety, health, comfort or convenience of the villagers;

(k) medical relief including maternity and child welfare

(l) veterinary relief;

m) the maintenance of radio sets;

(n) the lighting of public ways and places;

(o) the construction, maintenance and improvement of buildings or other structures so far as they are likely to promote the safety, health, welfare and convenience of the village and of visitors thereto;

(p) any other matter with the previous approval of Government.

"66-B. (1) The panchayat may construct or provide and maintain public landing places, halting places and vehicle stands and may levy fees for the use of the same.

(2) No private person shall open a new vehicle stand or maintain an existing vehicle stand within the limits of a panchayat unless he obtains from the panchayat a licence to do so."

"66-C. (1) A panchayat may provide a place *or* places for use as a public slaughter house and may charge fees for the use of the same.

(2) The panchayat may prohibit the slaughter of animals for sale in any place in the village other than at a public

slaughter house provided by the panchayat."

"66-D. The Sarpanch of a panchayat or any person authorised by him in this behalf may examine and test the weights and measures in markets and shops in the area of the panchayat with a view to the prevention and punishment of offences relating to such weights and measures under sections 264 and 265 of Ranbir Penal Code and shall seize such weights and measures if he has reasons to believe them to be false."

"66-E. A panchayat may delegate to any of its members, or, a committee composed of its members, any of its powers, except judicial powers, or any function relating to a particular branch of the administration or may appoint any member or any such committee to require into or report on any matters within its jurisdiction."

"66-F. (a) A joint committee of such number of panchayats as the Panchayat Officer may determine shall be constituted for purposes in which they are interested and for any matter or matters for which they are responsible and for mutual help and co-operation in the discharge of all or any of the duties imposed under this Act.

(b) Such joint committee may undertake the execution and maintenance of any work in which more than one panchayat is interested, the panchayats concerned agree and contribute towards the cost of such work.

(c) The composition of these committees, the functions that they should perform and their working shall be subject to such rules as may be prescribed.

"66-G. The following shall constitute the property of a panchayat :—

(a) All public village roads within the circle of a panchayat other than those under the control of any department of the Government ;

(b) All property, movable and immovable which has been transferred to a panchayat by the Government, any public body, or a private individual ;

(c) All buildings, structures, machinery and water reserviors built by a panchayat from its own funds, or from contribution by the Government, any public body or an individual ;

(d) (1) All rubbish, sewage, filth, village cleanings and other matter collected by the panchayats under this Act ;

(2) All wind-falls, withered trees exculding royal trees, grass, fruit and all other produce of property belonging to the panchayat ;

(e) All drains, tanks, ponds, wells, springs and kuhls in the panchayat area which do not belong to any person or a group of persons or to the Government

(f) Any property which a panchayat may acquire.

Substitution of a new section for section 67.

20. For section 67 of the said Act, the following section shall be substituted :—

"67. Whoever offers any resistance to the carrying out by any panchayat of its duties or functions prescribed under this Act or the rules made thereunder shall be punished on conviction by a Magistrate of the first or second class with a fine which may extend to fifty rupees."

Addition of a new section 68-A.

21. After section 68 of the said Act, the following section shall be added :—

"68-A. Subject to such rules as the Government may make in this behalf, a panchayat may frame bye-laws for the conduct of business and generally for carrying out the purpose of this Act."

Amendment of section 69.

22. In section 69 for the words "or Wazir Wazarat until a Panchayat Officer is appointed" the words "or any person duly authorised by him in writing in this behalf" shall be substituted.

Amendment of section 70.

23. In section 70 sub-section (1) of the said Act for the words "of his own motion" the word "otherwise" shall be substituted, and in sub-section (1) clause (c) the words "or modify" shall be inserted between the words "cancel" and "any"

Addition of new section 70-A, 70-B, and 70-C.

24. After section 70 of the said Act, the following new sections shall be added :—

Liability of panches.

"70-A. (1) Every panch shall be liable to the panchayat for the loss, waste or misapplication of any money or other property belonging to the panchayat, if such loss, waste or misapplication is caused in consequence of his neglect or misconduct in the discharge of his duties or performance of his functions as such panch.

(2) The Panchayat Officer may on the application of the panchayat or any rate-payer and after giving to the panch concerned on opportunity of being heard summarily assess by order in writing the amount due to the panchayat no account of such loss, waste or misapplication.

(3) Any person aggrieved by an order made under sub-section (2) of this section may, within one month of the date of such order appeal to the Revenue Commissioner but subject

to the result of such appeal the order shall be final and shall be conclusive proof of the amount so due"

Performance of the duties of defaulting panchayats.

"70-B. (1) If a panchayat makes default in the performance of any duty under this Act, or under any other law for the time being in force, the Panchayat Officer may fix a period for the performance thereof and, in case of default, may appoint any person or other body corporate to perform it, and may direct that the expenses arising from and incidental to its performance shall be paid by the panchayat within a time fixed by him.

(2) If such expenses are not paid, the Panchayat Officer may make an order directing the person having custody of the panchayat fund to make the payment out of, or to the extent of that fund, as the case may be and if such person does not comply with the order, recover the amount from him."

"70-C. Subject to such rules as may be prescribed in this behalf, the Government may *from time to time* delegate all or any of its powers under this Act to any officer or officers in such localities under such restrictions and on such conditions as it may think necessary."

25. For section 73 of the said Act, the following section shall be substituted, namely:—

Power to make rules.

"73. (1) The Government may make rules consistent with this Act for carrying out the purposes thereof, and may provide that the breach of any such rules shall be punishable with a fine which may extend to twenty-five rupees.

(2) In particular, and without prejudice to the generality the foregoing power, the Government may make rules:—

(a) with reference to all matters in respect of which rules are expressly required or allowed by this Act to be made or prescribed ;

(b) regulating the establishment, supervision, suspension or dissolution of a panchayat ;

(c) regulating the qualifications of electors and of candidates for election, registrations of such electors, nonination of candidates, time of election and mode of recording notes, method of settling disputes or questions arising from elections ;

(d) regulating the filling of casual vacancies ;

(e) regulating the appointment, term of office, suspension and removal of a Sarpanch ;

(f) regarding the conduct of meetings of panchayats ,

(g) regulating the functions and powers of the Sarpanch ;

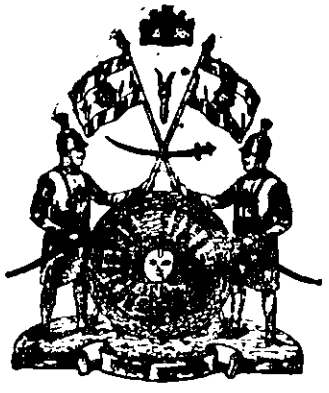
HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

THE

JAMMU AND KASHMIR

VILLAGE PANCHAYAT REGULATION

No. I OF 1992.



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(h) regulating the exercise by a panchayat of any of its powers under this Act and in particular its power to sue and to acquire, hold or transfer property and to enter into contracts ;

(i) regulating the assessment and collection of rates, appeals against assessments and collection of rates and the custody and proper maintenance of the panchayat funds ;

(j) regulating the custody and proper maintenance of accounts, records and registers by panchayats ;

(k) regarding the appointment of the officers and servants of a panchayat and their salary ;

(l) regarding the administrative powers that the panchayats can exercise ;

(m) regarding the fees payable under chapters III, IV and V of the Act ;

(n) regarding the powers to enquire and make reports about misconduct of officials specified in the rules and also to supervise the work of village chowkidars ;

(o) regulating the procedure to be followed under sections 70-A and 70-B of this Act".

(Sd.) HIRANAND RAINA,

Secretary to Government, Praja Sabha Department.

JAMMU AND KASHMIR
VILLAGE PANCHAYAT REGULATION
NO. I OF 1992.

WHEREAS it is expedient to establish in the Jammu and Kashmir State Village Panchayats to assist in the administration of civil and criminal justice, and also to manage the sanitation and other common concerns of villages; it is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Title, extent and commencement.

1. (1) This Regulation shall be called the Jammu and Kashmir Village Panchayat Regulation No. I of 1992.

(2) This Regulation extends to the State of Jammu and Kashmir including the Illaqas of Poonch and Chenani.

2. It shall come into operation on such date as His Highness' Government, may, in respect of any Tehsil or part of a Tehsil, by notification direct.

Definitions.

3. In this Regulation unless there is anything to the contrary in the subject or context,—

(1) "case" means a criminal proceeding in respect of an offence triable by a panchayat ;

(2) 'chaukidar" means a village policeman appointed under the Chaukidari Rules;

(3) "circle" means the area within which a panchayat exercises jurisdiction ;

(4) "notification" means a notification published in the Jammu and Kashmir Government Gazette;

(5) "offence" means an offence as defined in clause (k) sub-section 1 of section 4 of the Code of Criminal Procedure including proceedings under section 488 of the Code of Criminal Procedure;

(6) "panchayat" means a panchayat constituted under this Regulation and "panch" means a member of such a panchayat ;

(7) "prescribed" means prescribed by rules made under this Regulation ;

(8) "public servant" means a public servant as defined in section 21 of the Ranbir Penal Code ;

(9) "suit" means a civil suit ;

(10) "village" means any local area recorded as a village in the revenue records of the district in which it is situated ; but does not include any area included in the limits of a municipality, cantonment, or town area as defined in the Jammu and Kashmir Town Area Regulation ;

(11) "Wazir-i-Wazarat"means a Collector or a Revenue Officer in charge of a Revenue District or Wazarat ; and

(12) "Panchayat Officer" means an officer who is placed in charge of Panchayats within the area of a Wazarat

CHAPTER II.

Establishment, Constitution and Sittings of Panchayats.

Establishment of panchayats.

4. (1) In any Tehsil or part of a Tehsil to which this Regulation has been applied, the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed subject to the control of the Governor of the Province may, in accordance with rules made under this Regulation, establish a panchayat within and for any village or group of adjacent villages.

(2) Should any inhabitant of the circle desire to object to a Notification issued under sub-section (1), he may, within three months from the date of its application, submit his objection in writing through the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed to the Governor of a Province who shall take his objections into consideration before giving his final assent in the matter.

Number of panches.

5. A panchayat shall consist of such number of panches, not being less than five or more than seven, as the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed, may from time to time and in each case think suitable.

Appointment of panches.

6. Panches shall be appointed in the prescribed manner, and shall hold office for such period as may be prescribed:

Provided that no person not residing within the circle for which a panchayat has been established shall be eligible for appointment as panch of that panchayat.

Provided further that no public servant who is a full time officer and in the pay of the State may be appointed.

Sarpanch.

7. In each panchayat, one panch shall be appointed by the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed in the prescribed manner to preside over the panchayat. The panch so appointed shall be called Sarpanch, and such powers and functions may be assigned to him as may be prescribed.

Suspension and removal of panches.

8. The Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed may, by an order in writing, suspend or remove any panch or sarpanch for misconduct, incapacity, neglect of duty or insolvency.

Filling vacancies in panchayat.

9. When a panch dies, resigns or is removed another panch may be appointed in the prescribed manner to fill his place, by nomination or by election according as the Panch who died, resigned or was removed was a nominated or an elected member provided that no vacancy in the panchayat shall render its proceedings illegal so long as the number of panches is not reduced below three.

Suspension and dissolution of panchayat.

10. The Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed with the written approval of the Revenue Minister may, by an order in writing, suspend or dissolve any panchayat for misconduct or neglect of duty:

Provided that no order under this section shall be passed unless the Panchayat is called upon to show cause and explain its conduct with regard to the complaint made against it.

The Panchayat Officer or Wazir-Wazarat's order final.

11. Any order passed by the Panchayat Officer or Wazir-i-Wazarat until a Panchayat Officer is appointed under section 8 or section 10 shall be final:

Provided that a panch or a sarpanch removed from a panchayat shall have the right of appeal to the Governor of the province.

Place of sitting of panchayat.

12. A panchayat shall sit at such place or places within the limits of its circle as may be fixed by it with the approval of the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed.

Quorum.

13. For the transaction of any business three panches, including the presiding panch, shall form a quorum.

Sarpanch to preside.

14. (1) The sarpanch shall preside over every meeting of the panchayat at which he is present, if he is absent, such panches as are present shall elect one of their number to preside at the meeting.

(2) No business shall be transacted at any meeting by the panchayat unless a panch, able to read and write, is present and presides at the meeting.

Records and registers.

15. (1) The panchayat shall maintain summary records and registers of its proceedings in the prescribed form.

(2) Such records and registers shall be written by the sarpanch or by the presiding panch with his own hand or under his immediate supervision by any other panch :

Provided that the panchayat may, subject to rules made under this Regulation, appoint a clerk to perform this work.

CHAPTER III.

Jurisdiction of Panchayats.

Suits cognizable by panchayats.

16. The following suits shall be cognizable by panchayats, namely :—

(*a*) suits for money due on contracts not affecting any interest in immovable property ;

(*b*) suits for the recovery of movable property ;

(*c*) suits for compensation for wrongfully taking or injuring property:

Provided that the amount or value of the claim does not exceed twenty five rupees and provided further that no suit shall be brought before any panchayat.—

(1) on a balance of partnership account ;

(2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will ;

(3) by or against the Government or a public officer ;

(4) by or against a minor or a person of unsound mind;

(5) on account of any dispute or matter in respect of which any suit or application may be brought or made in a revenue court.

Offences cognizable by panchayats.

17. The following offences as well as abetments of and attempts to commit any such offence shall be cognizable by panchayats, namely.—

(*a*) Under the Ranbir Penal Code.—

	Section.
Voluntarily causing hurt.	323
Assault or use of criminal force otherwise than on grave provocation ...	352
Theft where the value of the property stolen does not exceed ten rupees..	379
Mischief when the damage or loss caused does not exceed ten rupees in value ...	426
Intentional insult with intent to provoke a breach of the peace ...	504

Provided that no offence of theft shall be cognizable by any panchayat unless an accused person has been either apprehended or recognised and named.

(*b*) Under the Cattle-trespass Regulation 1977.—

	Section.
Forcibly opposing the seizure of cattle or rescuing the same ...	24

(*c*) Under the Jammu and Kashmir Village Sanitation Regulation of 1990.—

Breaches of rules made under section 13 and punishable under section 9.

(*d*) Under the Code of Criminal Procedure Regulation No. 23 of 1989. Application for maintenance under section 488 with the proviso that the order of maintenance shall not exceed Rs. 5 p. m.

Certain parties excluded from jurisdiction.

18. No panchayat shall take cognizance of any offence in which either the complainant or the accused is a public servant.

Certain persons not to be tried by panchayat for theft.

19. No panchayat shall take cognizance of any offence under section 379 of the Ranbir Penal Code in which the accused —

(*a*) has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Ranbir Penal Code with imprisonment of either description for a term of three years or upwards; or

(*b*) has been previously fined for theft by any panchayat; or

(*c*) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure.

Conviction by a panchayat not a previous conviction under section 75, Ranbir Penal Code.

20. A conviction by a Panchayat under this Regulation shall not be deemed to be a previous conviction for the purposes of section 75 of the Ranbir Penal Code.

Penalties.

21. (*1*) The following are the maximum penalties which may be inflicted by a panchayat under section 17 of this Regulation :—

(*a*) Under the Ranbir Penal Code—

Fine not exceeding ten rupees or double the damage or loss caused, whichever is greater.

(*b*) Under the Cattle-trespass Regulation 1977.

Fine not exceeding five rupees.

(*c*) Under the Jammu and Kashmir Village Sanitation Regulation of 1990.

Fine not exceeding one rupee.

(*2*) No sentence of imprisonment, whether substantive or in default of fine, shall be inflicted by any panchayat.

Compensation to complainants.

22. In inflicting any fine under the foregoing section, the panchayat may order any portion or the whole of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the case by the complainant ;

(*b*) in compensation for any material damage or loss caused by the offence committed.

Compensation to accused for false case.

23. If any panchayat is satisfied after inquiry that a case brought before it was false, frivolous or vexatious, such panchayat may order the complainant to pay to the accused such compensation not exceeding five rupees as it thinks fit.

Enhanced powers for special panchayat.

24. Panchayats which are specially empowered by the Revenue Minister in this behalf shall exercise the following enhanced powers :—

(1) To hear and determine suits of the nature described in section 16, when the amount or value of the claim does not exceed fifty rupees.

(2) To take cognizance of offences of theft under section 379, Ranbir Penal Code, where the value of the property stolen does not exceed twenty rupees.

(3) To take cognizance of offences of mischief under section 426, Ranbir Penal Code, where the damage or loss caused does not exceed twenty rupees in value.

(4) To inflict the following maximum penalties :—

(*a*) Under the sections of the Ranbir Penal Code mentioned in section 17 of this Regulation.—

Fine not exceeding twenty rupees or double the damage or loss caused, whichever is greater.

(*b*) Under section 24 of the Cattle-trespass Regulation 1977.—

Fine not exceeding ten rupees.

(*c*) Under the Jammu and Kashmir Village Sanitation Regulation 1990—

Fine not exceeding two rupees.

Panch interested not to sit.

25. No panch who is a party to, or personally interested in any suit or case shall sit on the panchayat which takes cognizance of such suit or case.

Res judicata and pending suits and cases.

26. (1) No panchayat shall try any suit, or issue in respect of any matter which is pending for decision or has been heard or decided by a court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

(2) Where proceedings are pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence no panchayat shall take cognizance of such offence or, on the same facts, of any other offence of which the accused might have been charged or convicted.

Suits to include whole claim.

27. (1) Every suit instituted before a panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute; but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the panchayat.

(2) If a plaintiff omits to sue in respect of, or intentionally relinquishes any portion of his claim, he

shall not afterwards sue in respect of the portion so omitted or relinquished.

Limitation for suits.

28. No suit shall be entertained by a panchayat after the expiration of three years from the time when the right to sue first accrued

Provided that the period of limitation for suits specified in the schedule when instituted before a panchayat shall be the period prescribed in the said schedule in respect of such suits.

Panchayat before which suit to be instituted.

29. Every suit instituted under this Regulation shall be instituted before the panchayat of the circle in which the defendant or any one of the defendants, where there are more than one, resides at the time of the institution of the suit irrespective of the place where the cause of action accrued.

Panchayat before which case to be instituted.

30. Every case instituted under this Regulation shall be instituted before the panchayat of the circle in which the offence was committed.

Transfer of case to panchayats by Magistrate.

31. Any Magistrate upon receiving a complaint of facts constituting an offence triable by a panchayat shall unless reason be shown to the contrary, transfer the case for trial to the panchayat having jurisdiction to try it.

Exclusive jurisdiction in suits.

32. No court shall take cognizance of any suit which is cognizable under this Regulation by a panchayat unless or until the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed, has passed an order in writing under section 70.

Amended by Act No IX of 1998

32A — 32B —

CHAPTER IV.

Institution of Suits and Cases and Procedure of Panchayats.

Suits and cases how instituted.

33. Any person who wishes to institute a suit or case under this Regulation before a panchayat shall make application orally or in writing to the sarpanch or in his absence from the circle, to such other panch as he

may depute in this behalf, and shall at the same time pay the prescribed fee which shall not exceed the sum of annas four.

Substance of application to be recorded in register.

34. The substance of the application shall be recorded without delay in the register maintained under section 15, and the signature or thumb-impression of the applicant shall be taken on the register.

Plaintiff or complainant to attend next meeting of panchayat.

35. Every suit or case instituted in accordance with the provisions of section 33 shall be brought before the panchayat at its next sitting and the plaintiff or complainant shall at the time of making his application be informed of the time and place fixed for such sitting and be directed to attend at that time and place.

Summons to issue to defendant or accused person.

36. The panchayat after hearing the application, shall cause a written summons, in the prescribed form to be served on the defendant or accused requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant to attend and produce his evidence at such time and place :

Provided that the panchayat may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant refuse to issue a summons and dismiss the suit or complaint.

Summons by whom served.

37. Such summons shall ordinarily be served by one of the chaukidars belonging to the circle ; but the panchayat in its discretion may have it served by any other person.

Mode of service of summons.

38. The summons shall be in duplicate signed by the presiding panch and, wherever it is practicable, shall be served personally on the defendant or accused, whose signature or thumb-impression shall be taken in token of service. If he cannot be found and the panchayat is satisfied that he is evading service, or if he refuses to take the summons, the panchayat may order service to be made on an adult male member of his family residing with him or by affixing a copy thereof upon some conspicuous part of the house in which he generally resides.

Mode of service outside circle.

39. If an accused person resides outside the circle of the panchayat or if defendant or accused person is, at the time of the issue of the summons, outside the circle of the panchayat, the summons may be forwarded by the panchayat to the Tehsildar of the place where the defendant or accused resides, and the Tehsildar shall cause it to be served as if it were a summons from his own court.

Issue of summons to witnesses.

40. (1) Subject to the provisions of sub-sections, (2), (3), (4) and (5) of this section, the panchayat may if it considers the evidence of any person or the production of a document by any person necessary in a suit or case, issue a summons to such person to compel his attendance or to produce or cause the production of such document, and such person shall be bound to comply with the direction contained in the summons. Such summons shall be served in the manner prescribed in sections 37, 38 and 39.

(2) No summons shall be issued in a suit upon any person who is exempt from personal appearance in a civil court.

(3) The panchayat shall refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the attendance of the witness cannot be procured without any amount of delay, expense or inconvenience which in the circumstances would be unreasonable.

(4) The panchayat shall not enforce the attendance of any person living outside its circle to give evidence, or to produce a document, unless such a sum of money be paid to him as appears to the panchayat to be sufficient to defray his reasonable expenses.

(5) No woman shall, against her will, be compelled to appear in person before a panchayat.

Appearance in person or by representative.

41. Subject to the provisions of section 42, any party to a suit or case may appear before a panchayat either in person or by such servant, *gomashta*, *karinda*, partner, relation or friend being authorised to appear on behalf of such party as the panchayat may admit as a fit person to represent him.

42. No legal practitioner shall be allowed to appear on behalf of any party in any proceeding under this Regulation, before a panchayat

No legal practitioner to appear.

43. It shall be the duty of the panchayat to ascertain the facts of every suit or case before it by every lawful means in its power and thereafter to make such decree or order, with or without costs as it may seem just. In so doing it shall be bound by no laws of evidence or procedure other than the procedure prescribed by or under this Regulation. The decree or order passed shall be recorded briefly in the register maintained under section 15.

Panchayat to ascertain truth and decide accordingly.

44. The decision shall, in the event of the panches disagreeing, be in accordance with the opinion of the majority. Should opinions be equally divided, the presiding panch shall have a second or casting vote.

Majority to prevail.

45. The panchayat may from time to time as may be necessary postpone the hearing of any suit or case, but it shall be its duty to dispose of it as promptly as possible.

Postponements.

46. (1) If the plaintiff or complainant fails to appear after having been informed of the time and place fixed for hearing, the panchayat may decide the suit or case in his absence.

Disposal of suits and cases in absence of party concerned.

(2) The panchayat may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him in the manner prescribed in section 37, section 38 or section 39, or if he has been otherwise informed of the time and place fixed for hearing:

Provided that no sentence shall be imposed by a panchayat on any accused person unless he has appeared either in person or by representative before the panchayat and the substance of his statement has been recorded in the register maintained under section 15.

(3) If after the service of summons upon him, an accused person fails to appear either in person or by representative, the panchayat may apply to the Tehsildar of the circle, who may compel the accused to appear in

person before the panchayat as if he were a Magistrate trying the case.

(4) When an accused person has under the preceding sub-section been compelled to appear before a panchayat, the panchayat shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise.

47. Notwithstanding anything contained in this Regulation or in any other law for the time being in force, it shall be lawful for a panchayat to decide any suit or case within its jurisdiction in accordance with any settlement, compromise or oath agreed to by the parties.

Death of parties.

48. When any party to a suit dies before a decree has been passed, the suit shall abate, if not restored within one month on the application of the legal representatives of a deceased plaintiff, but a fresh suit may be brought on the same cause of action, and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 28 for the fresh suit.

Panchayat not to revise or alter its decision.

49. (1) Except as provided in sub-section (2), a panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A panchayat may, for reasons to be recorded on an application made within one month of the date of the decree or order, restore any suit which has been dismissed in default or in which a decree has been passed *ex-parte* against the defendant.

Interest and Instalments.

50. In suits for money the panchayat may in its discretion decree interest on the sum decreed at a rate not exceeding six per cent. per annum from the date of the decree until the date of payment.

When a panchayat decrees the payment of a sum of money in a suit it may direct that it be paid by instalments without interest or with interest not exceeding the above rate

Reference of important suits and cases by panchayat to Wazir-i-Wazarat or Panchayat Officer.

51. When any panchayat having jurisdiction is of opinion that any suit or case before it is of such a nature or of such intricacy or importance that it ought to be tried by a regular court, it shall stay proceedings and report the matter to the Panchayat Officer or Wazir-i-Wazarat until a Panchayat Officer is appointed, for orders.

Panchayat's decrees and orders not to be questioned on grounds of jurisdiction.

52. Except as provided by section 70 no order or decree passed in a case triable by a panchayat shall be called in question in any court on the ground that it was passed without jurisdiction.

Panchayat's decrees and orders in suits otherwise final.

53. There shall be no appeal from any decree or order passed by a panchayat in any suit under this Regulation, and except as provided in sections 49 and 70 no court or authority shall have power to revise any such decree or order.

Procedure when suit or case is sent to a panchayat.

54. When a panchayat receives a suit or case under sections 29, 30 or 31 respectively, the substance of the claim or complaint shall be recorded without delay in the register maintained under section 15 and a notice shall at the same time be issued to the plaintiff or complainant informing him of the time and place fixed for hearing, and the panchayat shall thereafter proceed to deal with the suit or case as if it had been instituted in accordance with the provisions of section 33.

CHAPTER V.

Execution.

Payment or adjustment of decree to be recorded.

55. If on the application of the decree-holder or the judgment-debtor, the panchayat, after inquiry, finds that the decree has been satisfied wholly or in part, the panchayat shall record the fact in the register maintained under section 15.

Execution through Tehsildar.

56. (1) If after a period of one month from the date of a decree, the decree still remains unsatisfied in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the panchayat for execution, and the panchayat shall thereupon certify to the Tehsildar that the decree still remains unsatisfied in whole or in part.

(2) On receipt of the certificate the Tehsildar shall,—

(*a*) if the decree is for money, proceed to recover it as if it were an arrear of land revenue;

(*b*) if the decree is for any specific movable property, cause the decree to be executed as if it were the decree of a civil court and in so acting may exercise all the powers of a civil court.

Execution of instalment decree through Tehsildar.

57. If after a period of one month from the date fixed for payment of an instalment decreed by the panchayat, the instalment or any portion thereof still remains unpaid, the decree-holder may, within one year of the date when it fell due, apply for execution to the panchayat, and the panchayat shall certify to the Tehsildar that the instalment or a portion thereof still remains unpaid. On receipt of the certificate, the Tehsildar shall proceed to recover the unpaid instalment as if it were an arrear of land revenue.

Satisfaction of decree or instalment after certificate to Tehsildar

58. If the decree or the instalment is fully satisfied and satisfaction is recorded under section 55, after the issue of the certificate to the Tehsildar under section 56 or section 57 but before the decree has been executed through the Tehsildar the panchayat shall forthwith certify accordingly to the Tehsildar who shall thereupon stay the execution proceedings. All sums of money realized by execution through the Tehsildar after satisfaction of the decree, shall be refunded to the judgment debtor.

Fine and compensation when payable.

59. Every fine imposed or compensation granted by a Panchayat under this Regulation shall be paid within ten days of the date of the order.

Payment of fine or compensation to be recorded.

60. As soon as any such fine or compensation is paid to the panchayat whether direct or through the Tehsildar under section 62, the amount paid shall be entered in the register maintained under section 15, and shall be credited by the panchayat to the Village Fund.

Payment of compensation out of fine.

61. Any money which has been ordered by the Panchayat under section 22 or section 23 to be paid as expenses or compensation, shall be paid by it out of the amount so realised and the payment so made shall be debited to the Village Fund.

Recovery of fine through Tehsildar.

62. If any fine, compensation or maintenance allowance remains unpaid for ten days after the date of the order of the panchayat directing its payment or the date on which it falls due, the panchayat shall certify the requisite amount to the Tehsildar who shall proceed to recover it as if it were arrears of land revenue and shall remit the amount so recovered to the panchayat.

CHAPTER VI.

Village Fund and Administative Duties of Panchayats.

Village Fund.

63. For every circle in which a panchayat has been established under this Regulation there shall be a Village Fund which shall, subject to rules made under section 73, be administered by the Panchayat for the improvement of the circle and for the well-being of the residents thereof.

Income of Village Fund.

64. The village fund shall consist of—

(1) fees levied for the institution of suits and cases under section 33;

(2) fines and compensation paid to the panchayat under section 60;

(3) Receipts on account of rates imposed under section 65.

(4) sums contributed by His Highness' Government and by private persons and those leviable under the Village Sanitation Regulation when that Regulation is made applicable to the panchayat areas and an amount equivalent to the Sanitation Cess, levied on the Revenue paying land situated within the circle of the panchayat.

Special rates.

65. For the purpose of meeting expenditure in the performance of any duty imposed upon it or in the performance of any duty which it is directed to perform, the panchayat may, with the previous sanction of the Revenue Minister, levy a rate to be called the village rate upon all persons liable to contribute to the Choukidara tax.

Provided—

(1) that such village rate shall not be levied more than once in any one calendar year.

(2) that such village rate shall always be a multiple or fraction of the amount payable in respect of the chaukidara tax as levied at the commencement of the Regulation.

(3) that the amount to be raised by such village rate shall not exceed the amount estimated to be required for such expenditure during the current year.

(4) that any person who is liable to pay the Sanitation Cess may not be called upon to pay any portion of this cess.

Duties of panchayat in respect of sanitary and other local matters.

66. It shall be the duty of the panchayat to arrange within its circle, subject to such rules as may be made under section 73 in this behalf for the improvement of education, public health and the supply of drinking water, and for the maintenance of village tracks and works of public utility.

Penalty for resistance to panchayat.

67. Whoever offers any resistance to the carrying out by any panchayat of its duties prescribed by section 66 of this Regulation shall be punished on conviction by a Magistrate of the first or second class with a fine which may extend to fifty rupees.

Panchayat to assist general administration.

68. The Revenue Minister may, in accordance with rules made under section 73, call upon a panchayat to assist officers of the Government in the performance of their duties within the circle of the panchayat, and such assistance as may be in its power shall be rendered by the panchayat.

CHAPTER VII.

Miscellaneous.

Powers of Wazir-i-Wazarat or the Panchayat Officer to call for records.

69. The Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed may at any time call for and inspect the registers and records of any panchayat.

Wazir-i-Wazarat or the Panchayat Officer may cancel jurisdiction or quash proceedings.

70. (1) The Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed may at any time, whether on a reference by a Panchayat under section 51 or of his own motion, by order in writing.—

(*a*) cancel the jurisdiction of a panchayat with respect to any suit or case; or

(*b*) quash any proceedings of a panchayat at any stage; or

(*c*) cancel any order or decree passed by a panchayat.

(2) When an order has been passed by the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed, under sub-section (1) in respect of any suit, the plaintiff may institute a suit for the same relief in the civil court, and the period from the date of the institution of the suit before the panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(3) When an order has been passed by the Panchayat Officer or Wazir-i-Wazarat, until a Panchayat Officer is appointed under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a Magistrate having jurisdiction.

Local enquiry by panchayat.

71. (1) It shall be the duty of every panchayat to inquire and report in any case where a Magistrate has directed that a previous local investigation be made by a panchayat under section 202 of the Code of Criminal Procedure and the words "such other persons" in the said section shall be deemed to include a panchayat.

(2) No panchayat shall be required to hold a local inquiry outside the limits of its circle.

A panch to be a public servant.

72. (1) Every panch appointed under this Regulation shall be deemed to be a public servant.

(2) No action, civil or criminal, shall lie against any panchayat or panch in respect of any act performed in good faith in exercise of the powers conferred, or in discharge of the duties imposed upon a panchayat or panch by this Regulation.

Power to make rules.

73. The Revenue Minister may, after previous publication, make rules consistent with this Regulation with respect to all or any of the following matters, namely :—

(1) the establishment of panchayats;

(2) the time and place of the sitting of the panchayats;

(3) the appointment of panches in such a way that where there are 5 panches 2 will be elected and 3 nominated and where there are more than five three will be elected and the rest nominated;

(4) the appointment and duties of sarpanches;

(5) the mode of election of panches and the suspension and removal of panches and sarpanches

(6) the suspension and dissolution of panchayats;

(7) the records and registers required under this Regulation.

(8) the appointment of clerks by panchayats and their remuneration and duties;

(9) the duties of Chaukidars and their remuneration;

(10) the fees payable under this Regulation;

(11) the administration of the Village Fund;

(12) the assistance to be given by the panchayat in any matter affecting the common concerns and general welfare of the people ; and

(13) generally the carrying out of the purposes of this Regulation.

THE SCHEDULE.

PERIOD OF LIMITATION FOR CERTAIN SUITS.

(See Section 28.)

Description of suit.	Period of limitation.	Time from which period begins to run.
(1) For the wages of a household servant, artisan or labourer.	One year.	When the wages fall due.
(2) For the price of food or drink sold by a keeper of a hotel, tavern or lodging house.	One year.	When the food or drink is delivered.
(3) For the price of lodging.	One year.	When the price becomes payable.

(Sd.) BARJOR DALAL,

PRESIDENT STATE ASSEMBLY.

Received the assent of His Highness the Maharaja Bahadur on $\frac{\text{1st June 1935}}{\text{19th Jeth 1992}}$.

(Sd.) E. J. D. COLVIN,

PRIME MINISTER.

JAMMU AND KASHMIR STATE ASSEMBLY.

CERTIFICATE.

The above Regulation was passed in the Assembly on the $\frac{\text{10th April 1935,}}{\text{28th Chet 1991,}}$ reeeived the assent of His Highness the Maharaja Bahadur on the $\frac{\text{1st June 1935}}{\text{19th Jeth 1992}}$, and will come into operation on 21st Har 1992 the date of its publication in the Jammu and Kashmir Government Gazette.

(Sd.) HIRANAND RAINA,

SECRETARY,

Jammu and Kashmir State Assembly.

Rural Development

IN

Jammu and Kashmir

1937–1941

R. B. Sham Sundar Lal Dhar,
Rural Development & Panchayat Officer.

Rural Development in Jammu & Kashmir

WITH a view to improving the amenities and bettering the conditions of life in rural areas the Government established a Department for Rural Development in 1937. The Department has since then been carrying on intensive work in the cause of village uplift in the State.

The Rural Reconstruction activities are not based on any pre-conceived ideas or theoretical plans but on actual facts that are specially collected on spot in different village units by a staff trained and engaged for the purpose.

VILLAGE SURVEYS

To understand the cause of economic, social, and cultural backwardness of rural population and to devise measures to improve it the Department undertook a comprehensive programme of village surveys. Accordingly, a questionnaire was framed and in the beginning 15 surveyors were engaged for surveying centres comprising of 173 villages. The number was subsequently raised as the activities of the Department increased and at present there are 86 surveyors engaged in collecting detailed information of village life. The number of villages already surveyed is over 2500. Much valuable information is thus being collected, which after being sorted is properly scheduled and compiled in the Direction office.

Village surveys help the Department in gauging the immediate requirements of each village unit. Improvement schemes are then framed. Such schemes embrace a wide range of uplift activities such as adequate supply of drinking water, by construction of water reservoirs, sinking and repairing of wells, and providing hand pumps, laying out of parks and common meeting places, linking of villages with main roads, paving of village lanes and providing other facilities and amenities. For financing these improvements a lumpsum grant of Rs. 40,000 was made by the Government in the first year of the functioning of the Department. The grant has now been raised to *one lac* of rupees.

During the last three and a half years the following improvements have been effected in **427** villages of 21 Tehsils of both the provinces.

S. No.		Nos.	Govt. Aid	Village Contribution.	Total
			Rs.	Rs.	Rs.
1.	Culverts, crossings and bridges	530	51,402	8,532	59,934
2.	Fair weather roads	86	49,943	5,643	55,586
3.	Drains and pavements of lanes.	47	8,176	1,202	9,378
4.	Ponds, springs, tanks, water channels, reservoirs and motor pumps.	251	112,975	13,631	126,606
5.	Wells, hand pumps and platforms.	311	258,646	37,984	296,830
6.	Bath Rooms	253	20,632	2,477	23,109
7.	Latrines.	196	15,562	2,086	17,648
8.	Ghats and Bunds	51	16,785	2,900	19,685
9.	Miscellaneous including one Hydram.	13	18,476	2,292	20,768
	Total	1,738	552,597	76,747	629,544
	Villages improved			*427*	

Other activities of the Department cover schemes of reviving decaying village Industries. As an experimental measure a school of *Shoe* and *Boot* making on modern lines was opened in Neloi village in Mirpur District in consultation with the Department of Industries. In addition to free expert guidance, the Department provided tools and machinery for the villagers who are undergoing training in the school. The number of men under training in the school is about thirty.

A scheme for the opening of a Pottery training school in the same District is also in hand.

A knitting and weaving centre for training of village females is also functioning under the auspices of the Department.

ADULT EDUCATION

An adult education compaign was conducted by the Department in the first year in 18 centres of the Jammu Province. Recently with the inauguration of mass literacy drive by the Government, the Panchayats have begun to play a prominent role in educating adults. Generally Village Panchayats provide free accommodation and lighting facilities for adult schools. Departmental surveyors are also holding Adult Education classes.

To bring about a change in the psychology of the peasant, the Department has undertaken an extensive campaign of visual education. Magic lantern lectures combined with cinema shows on uplift topics are extensively given to village audiences. A number of colour picture posters on selected subjects are being distributed among the rural folk. Recently a *Propaganda Van* fitted with public address arrangements has been purchased, which has been going from village to village entertaining people with songs and educating them with talks on rural uplift subjects. In a period of about two years the *Van* has travelled about 11,579 miles, and served over 1,62,744 persons.

Departmental shows are arranged at village shows and festivals. Opportunity is also taken of the Industrial Exhibition at Srinagar to give a demonstration of the activities of the Department.

HEALTH AND HYGIENE

Carefully planned campaigns to promote health and hygiene are arranged in selected areas with a view to educating the ignorant masses in regard to causes and prevention of the common diseases.

In the Kashmir Province a *Health and Sanitation Campaign* has been conducted for the last three years in which college students have been taking a leading part. Such compaigns serve a very useful purpose in as much as they help in focussing the villagers' attention and interest on some of the urgent every-day hygienic problems.

An *Anti-malaria campaign* in the Jammu Province has been an annual function of the Department. To convince the zamindars about the cause of malaria, it was found that no amount of vocal propaganda would be sufficient. Personal experience of the efficacy of the preventives advocated has been found to be the best teacher. The Department therefore arranged to send anti-malaria demonstration parties equipped with all the known preventives against mosquitoes and malaria. The parties went from village to village, held quinine parades, delivered lectures, and demonstrated mosquito control measures. As a result of this the percentage of malaria victims considerably decreased in the areas visited.

OTHER AMENETIES

To relieve the monotony of village life and to provide facilities for recreation, village dramas, kirtans, bhajan mandalis, discourses, rural games and wrestling competitions etc. are organised by the departmental surveyors, village Panchayats and Dehat Sudhar Committees. Folk songs are being popularised and encouraged in the different tracts.

Radio sets for entertainment and education of the villagers have been installed in nearly 49 village units. These sets are provided with automatic time switches and are proving very popular. At a modest estimate, the sets have worked for 39,000 hours and entertained over 5,00,000 people. Generally Lucknow, Lahore and Delhi programmes are much appreciated.

PANCHAYAT AND DEHAT SUDHAR COMMITTEES

To provide a permanent machine for the administration of all the common concerns of the villagers and to help in settling petty civil and criminal cases, village panchayats are being established throughout the State. The number of these autonomous, multi-purpose, statutory bodies functioning at present is 424 and their jurisdiction extends to over 3,164 villages.

The number of cases instituted in Panchayats during the Fasli year 1996-97 was 14,278 and during the first 9 months of the current year this number has swelled to over 50,000. Panchayats are taking a keen interest in rural reconstruction activities. The net savings effected to the villagers by resorting to Panchayat arbitration is considerable. In August 1939 it was calculated to be about Rs. 85,000. These bodies are responsible for developing a spirit of self-help which is coming into evidence in the rural areas now. Panchayats are particularly useful in stopping waste of time attending on following up a case in a court of law and in avoiding that bitterness of feeling between the parties which abides even after the case is decided.

To help village Panchayats in the discharge of their administrative functions, Dehat Sudhar Committees which are merely advisory bodies are being established. The number of such bodies at present is 110 and their member- ship varies from 15 to 25.

Village Libraries have been established at a number of places in the two provinces. Contributions were made for this purpose from the lumpsum grant at the disposal of the Department. Moreover village panchayats are taking keen interest in building up their own libraries and provision is made for purchase of books from the funds that they are gradually accumulating.

DEHATI DUNYA

To keep villagers abreast with times, a monthly magazine "*Dehati Dunya*" is being published by the Department. Besides items of State, Indian, and International news, this magazine contains articles on health and hygiene, village industries, and everyday economics. The magazine forms, so to say, the villagers' guide. It has gained considerable popularity and is proving a medium of education for the literate peasants.

FACILITIES FOR DRINKING WATER

Due to extreme variation in climatic, geographic, and topographical conditions in the different parts of the State, the problem of drinking water supply presents extraordinary difficulties. There are some areas in the State where the average rainfall is only a few inches per year; whereas there are others where it exceeds 60" a year.

The water supply problem is particularly very serious in Jammu Province. There are large stony areas forming the last ranges of the outer *hills* division measuring twenty to thirty miles at a stretch. This area, known as the Kandi, has to depend for supply of drinking water on the scanty rainfall which is collected in tanks and ponds. The provision of water-supply under sanitary conditions is therefore engaging the serious attention of the Department.

The Government have allotted an annual recurring grant of Rs. 40,000/- for this purpose. The grant was formerly operated upon by the Revenue Department but has recently been transferred to the Rural Development Department. An officer of the Department was deputed to Risalpur and other places in British India to study the working of hydraulic rams. In some areas in the Kandi Illaqa, provision of fresh water-supply by installation of *Hydraulic rams* has been found feasible and recently a scheme for one such area has been sanctioned at an estimated cost of Rs. 14,000. Arrangements for sinking deep wells by a special boring plant which was found to successfully operate through the rocky soil of the *Kandi* are also in hand.

In the *maidani illaqas* of the Province such as Ranbirsinghpura, Kathua, Jasmergarh, and parts of Mirpur and Bhimber Tehsils, tube wells, wells provided with hand pumps and deep water wells are being provided.

Although fresh water is found in abundance in most parts of the Kashmir Province, yet water-borne diseases like cholera take their heaviest toll in these places. The source of water supply being generally running streams, rivulets or rivers, the infection is carried by water to other places, thus spreading the disease throughout its course. The Department, therefore, devotes its energies to tapping

alternative sources of water-supply, and for this purpose wells duly protected and fitted with rotary pumps are provided and natural springs placed under cover. At some places big reservoirs have been built and arrangements for pumping of water provided. One such water supply system erected at Pampur cost the Department nearly Rs. 6,000.

It is an important feature of the working of this Department that the villagers concerned contribute their share towards the cost of an ordinary important scheme. This stimulates self-help and enables the villager to appreciate the improvement and to take an active interest in maintaining it.

The development of Rural areas and economic, social, and cultural betterment of Rural population constitute problems, the handlings of which requires patience and perseverance. The response which our activities have evoked from the Rural public during the period for which the Government Deparment specially created for the purpose in view, has, so for been in existence, is very encouraging. People are getting increasingly anxious to avail of the services of the Department and there are unmistakeable signs of their beginning to take an intelligent interest in their environments and awakening to the importance of helping themselves to better the conditions in which they live.

APPENDIX

VILLAGE PANCHAYATS

Up to August 1941

Number of Panchayats	...	...	...	424
Number of Villages under Panchayats	...	...		3,164
Population that is served by the Village Panchayat				5,48,610 persons.
Area under the jurisdiction of Village Panchayat			...	4,982. sq. miles.

2. Cases decided by Panchayats :—

i. Civil	(*a*)	Through compromise	...	26,061.
	(*b*)	Contestd ...	...	21,292.
		Total	...	47,353.
ii. Criminal	(*a*)	Through compromise	...	8,196.
	(*b*)	Contested ...	...	7,945.
		Total	...	16,141.
iii. Grand total number of cases decided			...	63,494.

3. Cases pending decision :—

i. Civil	...	...	...	8,280.
ii. Criminal	...	...	...	2,750.
Total	...	...	...	11,030.

4. Total number of cases instituted in Village Panchayats 74,524.

5. Income of panchayats	...	...	...	Rs. 19,712/12/0
Expenditure	...	...	...	Rs. 8,827/9/0
Value of cases instituted	...	...	...	Rs. 468724.

OTHER ACTIVITIES

VILLAGE SURVEYS :—

Number of Surveyors	...	...	86
Number of villages surveyed up-to-date	...	...	2,500

Health and Sanitation Compaigns

1	2	3	4	5	6	7
No: of Compaigns.	No: of Volunteers	Village Visited	Persons attended	Medical aid rendered to	No: of houses, lanes and compounds cleaned.	No: of manure pits dug
4	74	88	8,246	6,632 persons	6,632	2,557

Anti—malaria Compaigns

No of Compaigns	Amount spent	Medicines & disinfectants distributed	Village brought under the compaigns	People served
3	4,190	For Rs. 3,165	126	14,210

Radio Sets

Number of radio sets			49
,, ,, hours for which the sets have been working		...	39,805
,, ,, persons who listened to the broad cast		...	5,25,000

The Normal Press, Srinagar.

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

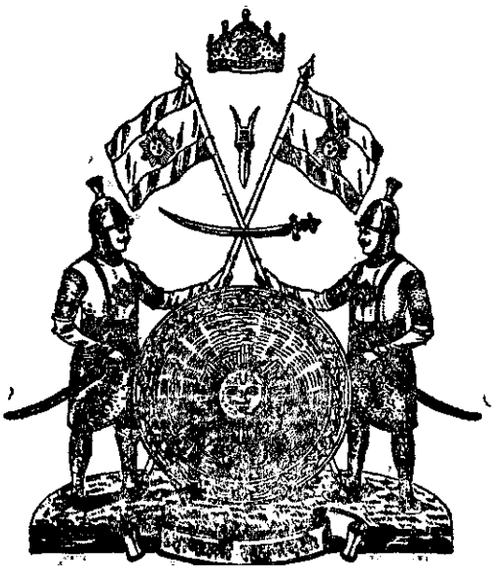
ANNUAL
ADMINISTRATION REPORT

OF THE

RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT

FOR THE

FASLI YEAR 1994-95.



JAMMU

Printed at The Ranbir Government Press—13-3-96—500.

1939.

Government Review on the Annual Administration Report of the Rural Development and Panchayat Department for 1994-95.

The Panchayat Department was reorganised as a separate unit and started functioning as a Panchayat and Rural Development Department from the commencement of the year under review. It now comprehends all rural reconstruction activities within its sphere. The reorganisation has, as might be expected, resulted in a great increase in the activities of the Department.

2. Reliable information with regard to existing conditions in rural areas is a necessary prerequisite to the launching of improvement schemes with success. Village surveys were started for this purpose. During the year under review the surveys of 168 villages in the Jammu Province and 109 villages in the Kashmir Province were completed.

As a start a lump allotment of only Rs.40,000 was sanctioned by the Government for Rural Uplift Works. Among the works financed out of this grant were the making of village lanes and roads, the repairing of bridges and existing wells, the sinking of tube and other wells, the construction of water reservoirs, the cleaning, fencing and covering of springs and the provision of bathing places and latrines.

4. It is satisfactory to note that the villagers have contributed either in cash or in voluntary labour or both to the cost of important schemes carried out in their areas and that the Panchayats have willingly shouldered the responsibility for the proper maintenance and upkeep of the works constructed.

5. With a view to provide the villager with healthy amusement, entertainment and information and so to brighten his life, radio receiving sets were supplied to 24 centres and the Government are pleased to learn that these are very popular and greatly appreciated.

6. The vigorous campaigns for cleanliness and adult education were a feature of the department's activities. In this connection the assistance of the students of the Colleges at Jammu and Srinagar was enlisted. It is gratifying to record that the students who participated in this work displayed a true spirit of social service, and did excellent constructive work, by example and preaching, in bettering the sanitary, educational and economic conditions of the villages in which they worked and in rousing the rural inhabitants to a higher standard of individual and social life.

7. The Department distributed extensively pamphlets, posters, leaflets, hand-bills, magazines and bulletins. Visual education was provided by magic lanterns and cinema shows. Fairs and exhibitions were also arranged. Collection of rural songs and dramas was also undertaken and shows were staged in villages.

8. The Department also actively carried out preventive measures against malaria, cholera etc. in collaboration with the Medical Department.

9. During the Industrial Exhibition held at Srinagar in which the department participated, talks on various subjects regarding rural uplift were given to large audiences.

10. To assist the Panchayats in improvement schemes and other matters of common village welfare, Dehat Sudhar Committees which are mainly advisory bodies were set up. The total number of such committees at the end of the year was 24. Their influence has been of great help.

11. The number of panchayats at the end of the year was 117. The judicial work of these Panchayats rose enormously in volume. The institutions went up from 350 in the previous year to 4244 in the year under review. 3251 of the latter were disposed of and this coupled with the fact that the number of revision petitions filed was only 84 attests both the growing popularity of these village tribunals and the satisfaction they give to those who resort to them.

12. The record of the department during the year was good. In those who essay the task, rural uplift demands great patience, earnest enthusiasm, a spirit of real service to their countrymen living in the rural areas and a readiness

to do hard work. Government note with appreciation that Rai Sahib Pandit Sham Sundar Lal has brought these qualities in a large measure to bear on his own work and that he has tried to inspire those working under him with the same spirit.

ANNUAL
ADMINISTRATION REPORT
OF THE
RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT
FOR THE YEAR 1994-95.

The Rural Development Department was created in the beginning of the financial year 1994-95 and charge of the Department was held by Rai Sahib Pandit Sham Sunder Lal Dhar as Rural Development and Panchayat Officer throughout the year under report. The Department is under the administrative control of the Hon'ble Prime Minister and immediate direction of the Revenue Commissioner.

STAFF.

Previous to the creation of this Department the staff consisted of 1 Head Assistant and 2 clerks. The above establishment was supplemented later on by two more clerks, who were transferred from the Finance Department. During the later part of the year a post of compiler for making out the summaries of village surveys was also sanctioned.

In addition to the executive staff of the Panchayat Office which consisted of 4 Rural Reconstruction Assistants and one Propaganda Assistant the following staff was sanctioned by the Government in order to accelerate the activities of this Department :—

For Jammu.

1 Rural Assistant,
1 Radio Mistri,
26 Surveyors and
1 Supervisor.

For Kashmir.

20 Surveyors and
1 Supervisor

VILLAGE ECONOMIC SURVEY.

In order to ameliorate the economic and social condition of the rural folk by formulating rural development schemes it was considered prime essential to make an enquiry into the present conditions of rural areas in different districts of the State and thereby gauge the nature and scope of the improvements required in those areas. With this object in view a comprehensive Questionnaire consisting of 26 chapters dealing with various subjects like public health, education, cattle, industries, soils, indebtedness, agriculture etc. was prepared, and supplied to Surveyors for conducting village surveys in different Tehsils in both the Provinces of Jammu and Kashmir.

At first 15 Survey Centres consisting of 173 villages were selected in Tehsils of Jammu and Sri Ranbirsinghpura. The centres were selected after consulting with the Revenue authorities and also keeping in view the density of population, nature of soil and climatic conditions.

In employing surveyors efforts were made to recruit, as far as possible, candidates who appeared to be inspired by high motives and self-sacrifice and imbued with a missionary spirit.

The first batch of surveyors was composed of 4 Rural Reconstruction Assistants of the Department, 7 Naib Tehsildari candidates, 2 Patwaries and 2 Girdawars of the Revenue Department.

Prior to their deputation in different centres, the survevors were properly trained up Classes were held for about a fort-night by the Rural Development

Officer, Health Officer, Director Land Records and State Statistician and lectures were delivered on agriculture, co-operation, rural industries and other rural problems.

Various Government Departments such as Revenue, Co-operative, Agriculture, Veterinary, Medical and Education etc. were approached to make available the co-operation of their rural staff to the surveyors of this Department.

Besides conducting the economic survey the surveyors were also instructed :—

(*a*) to explore the possibilities of improving the general condition of every village they survey and to suggest improvement schemes in this direction for the consideration of the Government.

(*b*) to conduct the necessary propaganda for bringing home to the zamindars the activities of this Department and also inculcate in them the spirit of self help.

(*c*) to associate with zamindars and impart education on sanitation, health, simple economics of every day life, rules of morality, agriculture, co-operation and other allied subjects.

The survey operations were later on extended to the Districts of Kathua and Mirpur in Jammu Province and to 4 Tehsils—Badgam, Pulwama, Baramulla and Khas—of Kashmir Province.

The following table gives the number of villages covered by survey centres in different Tehsils of both the provinces of Jammu and Kashmir :—

Name of Tehsil.		No. of survey centres.	No. of villages included.
	Jammu Province.		
Jammu	...	8	64
Sri Ranbirsinghpura	...	7	109
Jasmergarh	...	3	31
Kathua	...	3	22
Bhimber	...	3	15
Mirpur	...	6	47
	Kashmir Province		
Badgam	...	5	33
Pulwama	...	5	39
Baramulla	...	6	44
Khas	...	5	33
	Total	51	437

The District Inspectors were placed in charge of different districts. They are required—

(*i*) to see that the survey work is conducted efficiently and within the time prescribed for a particular village.

(*ii*) to adopt measures for securing speedy co-operation from other Government Departments and local Revenue officials.

(*iii*) to remove all difficulties of a Surveyor which might arise in the smooth conduct of survey operations.
(*iv*) to check and verify weekly diaries of the work done by surveyors.
(*v*) to check and correct the survey reports prepared by surveyors.
(*vi*) to chalk out and submit improvement schemes for villages surveyed.
(*vii*) to conduct extensive propaganda work in order to educate the peasant and disseminate useful information and general knowledge to masses.

In the month of April last the survey and rural reconstruction work of the Jammu Province was placed under the control of the Rural Assistant for Jammu Province.

168 villages were surveyed in Jammu Province and 109 in Kashmir Province during the year under report.

Panchayats and Dehat Sudhar Committees.

In order to develop a permanent machine for the administration of villages and successfully carrying out the programmes of the Rural Reconstruction in those localities Panchayats, consisting of 5 to 7 members, were established in the year under report and total number of Panchayats in both the Provinces is 117.

Besides settling of petty civil and criminal cases under the Panchayat Regulation the Panchayats were instructed to devise out and suggest ways and means for the up-lift movement. Dehat Sudhar Committtees have been established consisting of members of the Panchayats and respectable, sympathetic and influential people of the localities.

The total number of Panchayats in existence during the year rose from 92 to 117. In all 26 Panchayats were established of which twenty-four were entirely new and the remaining two were old Panchayats reconstituted.

Numerous applications were received from different villages for the establishment of Panchayats but for the paucity of supervising staff a limited number could be granted. New Panchayats were generally established at places where survey operations have been started and rural reconstruction work begun.

The following figures show the number of Panchayats established in different districts of the State :—

Kashmir South	...	43
Kashmir North	...	29
Muzaffarabad	...	14
Mirpur		17
Jammu		14
	Total	117

Constitution of Panchayats.—As a rule the majority of Panchayats consist of 5 members only. In big villages or thickly populated areas Panchayats with seven members have also been established. The majority of Panches consist of nominated members. Nominations are usually made to secure literate members or to secure the representation of minorities. The total number of villages covered by the Panchayats is 489 and the total number of Panches is 616.

Elections.—Elections to the Panchayats were keenly contested and a large number of people offered themselves for election as members of the Panchayats. During the current year 58 seats were open for election for which as many as 356 candidates contested. That is, for one seat open for election there were as many as six candidates.

Voters also took a good deal of interest in election and took care to secure the return of their choicest candidates. Votes were freely exercised and usually votes were given for the fit candidates.

The two main functions performed by the Panchayats are judicial and administrative.

Judicial Work.—There has been a welcome increase in the number of cases instituted in the Panchayats. During the year under report 4,244 cases were instituted in the Panchayats compared with 350 cases instituted last year. The following statement gives the details of the case work :—

Nature of cases.	Cases instituted.	Cases decided.	Cases pending.
Criminal	955	792	163
Civil	3,289	2,459	830
Total ...	4,244	3,251	993

This increase in the number of cases is a strong testimony that villagers are beginning to repose confidence in the Panchayats, which is really a healthy sign for the growth of the bodies.

Copies of the judgments announced by the Panchayats are submitted to the Head Office for inspection and from a perusal of these it has been found that the decisions are generally sound and based on facts. The presiding Panches seem to realize the great responsibility that has been conferred on them by the Panchayat Regulation. In cases where the Panchayat decision had to be revised in the Head Office, it was noticed that the errors committed were more due to a lack of understanding of the law rather than its deliberate infringement. With proper and timely guidance these errors, it is hoped, will also be eliminated.

During the year under report 84 Revision Applications were filed against the decisions of the Panchayats.

Compared with the total number of cases decided by the Panchayats (3250) the number of these petitions is insignificant (about 2.5 per cent.). The small number of Revision Petitions filed against Panchayat decisions testifies that the people at large are generally satisfied with the decisions of Panchayats.

The total receipts on account of fees and fines during the current year amounted to Rs. 1,258/4/-.

Administrative work.—Under sections 66 and 73 of the Regulation, Panchayats are given powers to deal with matters concerning education, sanitation, water ways, village roads and miscellaneous other matters concerning the good of the villages under their jurisdiction.

A number of Panchayats in Kashmir Province and a few Panchayats in Jammu Province celebrated cleanliness weeks when intensive propaganda for cleaning villages, houses, compounds, lanes, springs, wells, cattle and men was launched. As a result of these many villages were cleaned up. The following are the details of the work done by the Panchayats in the sphere of sanitation and rural up-lift :—

1. In 70 Panchayat villages regular propaganda for cleanliness was launched and all the villages were cleaned twice a month.
2. A good number of latrines and bath rooms constructed.
3. Several thousand feet of village lanes and streets were repaired.
4. More than 2,000 feet of drains constructed.
5. 1,500 manure pits were dug.
6. About 150 springs, wells and ponds were cleaned.
7. At a number of places ventilators were opened in houses.
8. About 10 miles of roads were constructed.

Funds.—The total receipts of the Panchayats amounted to Rs. 1,258/4/- and the total expenditure amounted to Rs. 451. Cash in hand at the end of Assuj 1995 was Rs. 807/4/-. Details of expenditure are given below :—

	Rs.
Stationery, stamps, books for Panchayat Libraries and magazines and news papers	325
Improvement schemes	126

Conclusion.—On the whole the Panchayats have good deal of work to their credit but all the Panchayats do not show a uniform rate of progress nor do all Panchayats evince equal zeal in doing their work. Panchayats in Kashmir Province have taken more interest both in judicial and non-judicial work, than those situated in Jammu Province.

Left to themselves Panchayats seem to relapse into inaction but strong supervision and constant enquiries made have begun to bear fruit. In the closing few months of the year more than half a dozen circular orders were issued and monthly progress reports were called for from each Panchayat with the result that all Panchayats have begun to take to their work seriously. As a rule it has been the experience that Panchayats show better work if there is adequate supervision, frequent inspections and timely guidance.

Dehat Sudhar Committees.

To provide the villages with permanent bodies for pushing forward the rural up-lift campaign and to give them a training in organization, Dehat Sudhar Committees were established in a large number of villages in both the Provinces. At some places these bodies were established to help the existing Panchayats in the discharge of their work regarding village uplift, where, as at other places, they themselves were made responsible for village improvements and sanitation. These committees are established on the principle of self-help and voluntary organization and their work generally consists of persuading the villagers to take small improvements in hand and also to inculcate among the peasantry more clean and sanitary habits.

The total number of these Committees at the end of the year under report was 24.

Constitution.—These bodies generally consist of 12 to 20 members—number varying according to local conditions. Each Committee has a chairman, two Vice Presidents, one Secretary, one Joint-Secretary and a Cashier. The Tehsildar of the Illaqa is invariably the ex-officio chairman of these committees.

Among the Committees who have done good work are those of Pampur, Tral, and Awantipura in Kashmir Province and Suchetgarh and Badhyal Brahamana in Jammu Province.

Propaganda and Publicity.

In order to let the rural folk know the aims and objects of the Department and disseminate general knowledge amongst them propaganda was launched in the rural areas. The programme included free distribution of pamphlets, posters, leaflets, hand bills, magazines, bulletins etc. on subjects pertaining to rural up-lift movement and also visual education such as magic lantern shows and cinemas. Fairs and Exhibitions were also organized. Collection of rural songs and dramas was also undertaken and shows were staged in different villages.

The following literature was issued during the year under report :—

Bulletins on—

(1) Village Surveys.
(2) Causes of the zamindars' financial backwardness.
(3) Rules of Health and Sanitation.
(4) Removal of rubbish from the compounds of houses and village lanes and streets.
(5) Physical exercise.
(6) Crops
(7) Education.
(8) Pits.

Pamphlets on—

(1) Panchayats.
(2) Health and Sanitation.
(3) Malaria.
(4) Aims and objects of the Dehat Sudhar Committees.

Public meetings were successfully conducted by the Rural Development and Panchayat Officer attended by villagers who were made to understand the

different methods by which they could ameliorate their present condition, social as well as economic. Large gatherings of zamindars were arranged by the Field Staff as well who delivered educative lectures on various subjects emphasizing particularly upon the problems of self help.

Steps were also taken to co-ordinate and intensify the activities of various Government Departments such as Revenue, Agriculture, Veterinary, Medical, Education, Co-operative and other Agencies working for the betterment of villages.

Rural Development Stalls in the Jammu and Kashmir Exhibition.

During the year under report a show was arranged in the Jammu and Kashmir Exhibition held at Srinagar in which the different activities of the Department were demonstrated.

The Exhibition stalls were divided into different sections *e. g.* Propaganda, Health and Sanitation, Cottage Industries, Rural Surveys and Village Improvements. Besides, models of bore-hole latrines, kitchen pits, manure pits etc. were also exhibited. These sections were placed in charge of the trained surveyors who took the visitors round the stalls, and explained to them the significance of the exhibits and utility of introducing the improvements suggested.

At a modest estimate it has been calculated that over 8,000 people were taken round the stalls of the Department. Handbills, bulletins, posters and pamphlets were freely distributed to all who felt interested. Besides, the people were entertained on Radio and Gramophone. Magic lantern shows and cinema films were also exhibited.

A novel feature in the Exhibition was introduced this year when the Department arranged to broadcast talks and songs on different aspects of rural uplift from the Band-stand.

By a special arrangement with the exhibition authorities the Department secured free admittance of members of Panchayats and Dehat Sudhar Committees into the Exhibition and took them round the stalls of the Rural Development as well as those of other beneficient Departments *e. g.*, Agriculture, Cottage Industries etc.

Radio Sets.

In order to educate the villagers the supply of Battery Radio Sets for 24 important villages in the Provinces of Jammu and Kashmir was sanctioned by the Government.

The Radio Sets were sanctioned for the following places :—

Jammu Province.

Tehsil Ranbirsinghpura	1. Badhyal Brahmana. 2. Suchetgarh. 3. Salerh.
Tehsil Jammu	1. Gharota. 2. Kahna Chak. 3. Kotli Jhajar.
Tehsil Samba	1. Ramgarh. 2. Bagla (Raya). 3 Reyain.

Kashmir Province.

Tehsil Khas ...	1. Ganderbal. 2. Nishat.

Tehsil Pulwama		1. Pulwama. 2. Tral. 3. Pampur.
Tehsil Baramulla	...	1. Singpura. 2. Sumbel. 3. Ferozepura. 4. Pattan.
Tehsil Uri	...	1. Uri.
Tehsil Kulgam	...	1. Kulgam.
Tehsil Badgam	...	1. Badgam.

Each set was provided with two 6 volt batteries one for use and the other for replacement purposes and one time switche to obviate the misuse of batteries.

Two gasonline generators were also provided for charging the exhausted batteries.

Rural programmes received from different stations in India are explained to zamindar listeners by surveyors of the Department, school masters, wherever available and literate members of the Panchayats. Panchayats and Dehat Sudhar Committees are held responsible for the proper maintenance of these sets. The sets are properly serviced by qualified Mistries of the Department; one being placed in charge of the sets supplied in Kashmir Province and the other in Jammu Province.

Well organized Anti-malaria, Adult Education and Health and Sanitation campaigns were launched and successfully conducted by the Department.

Anti-Malaria Campaign.

Malaria takes a heavy toll of life in the Jammu Province and it was, therefore, considered essential to combat the disease. An Anti-malaria campaign was chalked out and an amount of Rs. 738 was provided to save about 3000 people from this fell disease. To begin with, the campaign was launched in 4 worst effected survey centres in the following 4 Tehsils of Jammu Province :—

Name of Tehsil.		Name of survey centre.
1. Jammu	...	Kahna Chak.
2. Sri Ranbirsinghpura	...	Badhyal Brahmana.
3. Jasmergarh	...	Marheen
4. Kotli	...	Parol.

The Rural Development party consisted of 10 selected surveyors and the District Inspector Kathua under the control of the Rural Assistant Jammu Province. The members of Panchayats and Dehat Sudhar Committees, village school boys, scouts, college students on vacation, retired Military officers, members of the Praja Sabha and the local Revenue officials rendered valuable help in making the campaign a success. The Scout Organizer did his best in the Anti-malarial operations by holding scout camps at all these places. His sympathetic treatment and the fact of his being a medical man won the confidence of public and attracted a large number of patients.

The campaign was organized for 4 days at each centre in the first fortnight of Sawan and then continued once a week for about a period of 2 months and a half.

As many as 25 processions of all workers were taken through the village streets and bazars. Anti-malaria propaganda was carried on by didactic songs, slogans, lectures and other demonstrations. Radio entertainments attracted a large number of people who listened to rural receptions.

10 magic lantern shows were held when slides pertaining to Anti-malaria measures were shown and explained to the audience who were much pleased to have these visual feasts many of them for the first time.

Village clean ups were held.

To check the growth of mosquitoes the party, with the help of boy scouts, managed to cut much of the un-necessary vegetation around villages which was replaced by Tulsi and Niaz Bhoj plants the seeds worth Rs. 20 of which were distributed free among the zamindars. The example was soon followed by the villagers who also made efforts to drain out the stagnant ponds.

To destroy the larvae of the malarial mosquitoes 18 tins of Kerosene oil worth Rs. 72 were sprinkled on stangnant waters and 20 lb. of Paris Green were sprayed on marshy lands. Ten wells were also disinfected with Potassium permaganate.

Quinine parades were held twice a week while quinine as a prophylactic measure was distributed free amongst the zamindars. 19 lbs. of quinine Howard (powder) worth Rs. 456 were supplied to about 3,000 persons.

Local Anti-malaria Committees consisting of respectable persons were constituted to carry on the campaign under the presidentship and guidance of the concerned Tehsildars.

Reports from the Rural Assistant and other quarters show that the former percentage of malaria patients has been reduced from 60 to 5 of the total population of the Illaqas which come under the jurisdiction of the Anti-malaria campaign.

Thanks are due to Education, Revenue and Medical Departments who accorded full co-operation in this campaign.

Adult Education.

To combat illiteracy prevalent in the rural areas an Adult Education drive was organized in Jammu Province during the months of July, August, and September 1938 as was suggested by the Hon'ble Prime Minister while addressing the students on the occasion of last convocation of Prince of Wales College, Jammu, that they may profitably both to themselves and their country, utilise their free time in vacations in spreading education and doing uplift works in the villages.

Accordingly 20 students of the Prince of Wales College, Jammu, were selected in consultation with the Principal from among those who volunteered themselves to take up the work of spreading education during their Summer Vacations.

Classes were held for about a week by Assistant Director of Agriculture, Inspector Veterinary Farm, Rural Assistant, Surveyor Dumana etc. for indicating proper lines of work and for imparting necessary training to these students regarding elementary first aid, simple economics of every day life, principles of morality, rules of sanitation, health and hygiene, advantages of manure pits, use of better seeds and of co-operative societies and other allied subjects.

The students were then deputed to different centres to start their activities. The following table shows the names of volunteers and the centres of their activities :—

	Name of volunteer.	Name of centre.	Tehsil.
1.	Mr. Ahmed Din	... Chhamb	... Bhimber.
2.	Mr. Ghulam Ahmed	... Malot	... ,,

	Name of volunteer.	Name of centre.	Tehsil.
3.	Mr. Satya Pal	Manawar	Bhimber.
4	Mr. Girdhari Lal Gupta	Kuleeth	Akhnoor.
5	Mr. Kesri Singh	Gharota	Jammu.
6	Mr. Hans Raj	Makwal	
7.	Mr. Nazir Ahmed	Sattowali	Ranbirsinghpura.
8.	Mr Ghulam Qadir	Suchetgarh	,,
9.	Mr. Mohammed Din	Chohala	,,
10	Mr. Jagdish Raj	Chakrohi ...	,,
11.	Mr. Harish Chandersingh	Gurha Slathian ...	Samba.
12	Mr. Purashottam Singh	Badwal ...	,,
13.	Mr. Amar Nath	Kawa ...	Udhampur.
14.	Mr. Fakir Chand	Beli ...	,,
15.	Mr. Jwala Parshad ...	Pathwal ...	Jasmergarh.
16.	Mr. Ram Das ...	Balawar ...	Basohli.
17.	Mr. Charan Das ...	Samwal ...	Mirpur.
18.	Mr. Yog Raj ...	Pindi Sabarwal ...	,,

Two of the student volunteers did not attend to their work.

An amount of Rs. 1,250 was provided to meet the expenses of allowances and T. A. for the stay of students and stationery for the use of students as well as free distribution amongst adults attending the classes such as Primers, Takhties, pens, papers and ink etc. In addition, the college authorities provided each of them with First Aid Medicine Box. Every volunteer was required to impart literacy to a minimum number of 20 adults. They did not confine their activities to mere teaching of Primers and giving of informative talks but practised what they taught and thus set an example for the villagers to observe the rules of Health and Hygiene etc.

As many as 376 adults were taught Urdu and Hindi First Primers. Some of them are reported to have made so much progress as to write a letter.

The number of patients treated by the students amount to 3,600. The success achieved by them in the treatment of sour eyes has been particularly remarkable. Appreciations were received regarding their work from official as well as non official quarters.

The number of ventilators installed, manure pits and kitchen pits reached to 556, 100 and 123 respectively, 10 water springs were got repaired.

At certain places village clean-ups, amounting to 14 in number, were organized by students which went a long way to zamindars' acquiring the habit of cleanliness. 3 wells were disinfected and 190 dust bins were dug up.

In some of the centres rural dramas were also staged by the volunteers with the help of the local schools. They did not confine the up-lift work to their centres alone but extended their activities to the adjoining villages This movement has left behind a lasting impression in the minds of the villagers and created a keen desire for education.

Health and Sanitation Campaign.

In order to obviate the insanitary condition of villages and to inculcate into the minds of the rural folk a desire for observing the general rules of cleanliness and sanitation, the Department launched an organized 'Cleanliness and Sanitation Campaign'.

Fifteen students from Sri Partap College, Srinagar, who volunteered themselves for service in this connection, during the Amar Nath holidays, were sent out under the guidance of Departmental Surveyors, the District Inspector Baramulla and Professors of the College in different Tehsils of Shehr-i-Khas, Pulwama, and Badgam in 3 batches of 5 students each.

Prior to their deputation a class was held in the Sri Partap College when talks were given to these students by the Professors of the college, the Director of Education and the Rural Development and Panchayat Officer regarding carrying out of the cleanliness and sanitation propaganda. They were instructed not to confine themselves to mere lectures and talks but also to see that some solid work was done in the villages and the zamindars were actually shown the utility of self help. The students were provided with washing as well as toilet soap for free distribution amongst the poor and encouraging its use in the rural areas.

The students were also supplied with hand-bills and charts on health and hygiene and first aid medicine boxes containing ordinary medicines such as Tincture Iodine, Eye lotion, Vaseline, bandages, Methylated spirit etc. A sum of Rs. 250 was spent on allowances for students to defray food and travelling expenses, conveyance of tentage and purchase of the requisite articles.

Each batch of students stayed in a village for 3 days and made efforts to get village houses, lanes and springs etc. cleaned.

The college students managed to hold big gatherings of villagers in each of the villages where they carried on their activities. Short discourses were delivered on subjects such as sanitation, manure pits, ventilators, kitchen pits, indebtedness and its causes, improved agricultural methods and cattle rearing etc. etc. Villagers were also entertained with music, recitation of folk songs and gramophone records pertaining to rural reconstruction programme. The following particular work was done by the students during their short stay in these villages :—

The number of persons to whom first aid medicine was supplied	...	2,227
The number of persons to whom soap was supplied	..	1,801
The number of pits dug	...	960
The number of houses and lanes cleaned	...	1,377
The number of clothes washed	...	892
The number of springs cleaned	...	6
The number of dead animal pits dug	...	9

The students also recorded their impressions about the economic and social life of the villagers in the Note books provided to them by the Department for this purpose. They deposited three Note books for record in the direction office of the Department.

The students actually practised what they preached in the villages in as much as they took the lead in washing clothes of the villagers, in sweeping lanes, compounds and other filthy places and digging of manure and kitchen pits. The success was all due to the spirit with which the students associated themselves with the villagers as advisors and fellow workers sympathised with their needs. The guidance of the principal and the staff of the college was mainly instrumental for the excellent work these young workers put in this campaign.

In addition to the above the following works were executed by the field

staff of the Department in both the Provinces :—

	Kashmir Province.	Jammu Province.
(1) The number of manure pits got dug ...	643	102
(2) The number of kitchen pits got dug ...	45	.....
(3) The number of ventilators installed ...	.....	622
(4) The number of lanes cleaned ...	65	.....
(5) The number of springs cleaned ...	28	.....
(6) The number of village clean ups held ...	.....	220
(7) The number of muck heaps removed from the village Abadi ...	80	.....

Improvement Works.

Schemes for improving the general condition of villages where survey operations had been completed were submitted in the year under report by the Rural Development and Panchayat Officer and sanctioned by the Government. Construction works in such villages of both the Provinces for which funds were provided were completed under the supervision of the Department.

As the improvement work is in its initial stages only the most pressing needs of villagers were attended to. The rural folk have warmly welcomed the schemes and have evinced lively enthusiasm by making liberal contributions in way of cash and free manual labour towards the cost of improvement works. Persons placed well in society like retired military officers, well-to-do landlords and others have been working side by side for the amelioration of the lot of their villages.

It is gratifying to note that some villages are, led by the example of those where reconstruction works have been executed by the Government, taking by themselves the initiative of such works.

The following improvement works were executed in both the Provinces during the year under report :—

Jammu Province

Tehsil Jammu.

1. *Gharota village.*—The village is situated in the Kandi Illaqa and had no arrangement for the supply of drinking water. A sum of Rs. 1,000 has been spent by the Government on the completion of a well the excavation of which was started about 12 years ago by a Brahmin who after 10 years' hard labour succeeded in reaching the water level. The total cost of masonry work has roughly been estimated at Rs. 29,000 out of which a sum of Rs. 1,900 has been contributed by the villagers.

(*b*) A sum of Rs. 150 has been spent in the same village for constructing crates to save the village land from being corroded by a Nala (Khad).

2. *Village Amb.*—A sum of Rs. 200 has been spent by Government and Rs. 185 contributed by villagers to meet the cost of excavating a well in the village situated in Kandi Illaqa.

3. *Plaura.*—The village has a pond as the only source of supplying drinking water. It was being constantly filled up by stones, pebbles and silt going in through the inlet drain. To obviate this difficulty the drain has been made pacca. Out of total expenditure of Rs. 244 a sum of Rs. 44 was contributed by the villagers and the rest spent by the Government.

4. *Ser Rakwalan.*—A sum of Rs. 153 was spent for the construction of a pacca platform around the well in the village which includes the contribution by the villagers amounting to Rs. 100.

Tehsil Ranbirsinghpura.

1. *Suchetgarh village.*—A sum of Rs. 384 was spent on the following works :—

(*a*) Boring of 2 tube wells one in the village common and the other in the Christian Mohalla.
(*b*) Construction of a pacca platform in the village Diara.
(*c*) Repairs to Palkhu bridge.
(*d*) Rural library.
(*e*) Construction of a gate in cement concrete for the Suchetgarh Panchayat road.

The villagers have contributed the cost of a road about a mile long and also Rs. 99 in cash.

The Hon'ble Prime Minister was pleased to pay a visit to this village for performing the opening ceremony of a tube well and installation of a Radio set for which funds were provided by the Government.

A good number of houses were inspected by the Premier while going round the village. He impressed upon the villagers the advantages of better living, better farming, and sanitation and asked the Rural Development Officer to submit further schemes for the improvement of the village which included plantation of trees along side the roads, culverts, pacca drains, and use of cocanial germs for destruction of harmful vegetation.

A demonstration for deciding the cases was given by the local Panchayat.

As desired by the Hon'ble Prime Minister, the Revenue Commissioner explained to the zamindars in their own dialect the advantages of Panchayats, their duties and the ideal of self help which, the Premier said, was the key-note of rural development.

Prizes were distributed for the cleanest houses, cleanest babies, and best manure pits. Sweets were distributed to the boys.

2. *Chak Mohammad Yar.*—A sum of Rs. 109 out of which Rs. 20 were contributed by the villagers, were spent on—

(*a*) Installation of a water hand pump.
(*b*) Laying out of a hume pipe 12″ in diameter and 12′ long.

3. *Tale.*—A water hand pump has been installed at a cost of Rs. 72 out of which Rs. 17 were contributed by the villagers.

4. *Tiba Bhin*, (5) *Bokhari* and (6) *Singyal.*—In each of the three villages a water hand pump has been installed at a cost of Rs. 72 out of which Rs. 17 were contributed by the villagers in each case.

7. *Mohra Tanda.*—A water hand pump has been installed at a cost of Rs. 72 out of which Rs. 17 were contributed by the villagers.

8. *Baga Zaina.*—A platform round the village water pump was constructed.

Tehsil Kathua.

1. *Budhi village.*—The village has been linked with the main Jammu-Kathua road by constructing a fair-weather road 4 miles long at a cost of Rs. 565 out of which a sum of Rs. 315 has been contributed by the villagers.

Tehsil Bhimber.

Bharing village.—A sum of Rs. 1,100 has been spent by a retired Military Officer on sinking a well which remained incomplete since his death. The Department completed the well at a cost of Rs. 423/7/- out of which a sum of Rs. 123/7/- was contributed by the villagers.

KASHMIR PROVINCE.

Tehsil Pulwama.

1. *Pampur village.*—The villagers had no source of drinking water supply except the river water which is at a distance of about a mile away from the village. Much inconvenience was felt by the zamindars and their women folk to fetch water from such a long distance especially in winter months and rainy season.

A sum of Rs. 5,000 was sanctioned for the construction of a water Reservoir and an electric motor pump to supply drinking water in the interior of the village about quarter of a mile from the water source. This grant has been supplemented by voluntary contribution of Rs. 300 in cash and free manual labour by the villagers.

Note.—The Hon'ble Prime Minister was pleased to pay a visit to this village on the 25th of October 1938 *at* 3 P. M. *for celebrating the opening ceremony of the Water Reservoir.*

He was accompanied by the Hon'ble Home Minister, Hon'ble Revenue Minister, Hon'ble Hazur Minister, the Revenue Commissioner, Chief Engineer, P. W. D., Chief Engineer Electrical and Mechanical Department, Accountant-General and other officials.

The zamindars showed a great enthusiasm in making necessary arrangements for celebrating the occasion. The Hon'ble Prime Minister was pleased to deliver a speech in which he appreciated the rural uplift work done by the zamindars. He said that they had a ruler in His Highness Maharaja Bahadur whose sole concern was to see his people happy and prosperous. It was the ambition of His Highness' Government the Premier added, to see that the people of this country rise in the scales of human existence and achieving things which could really go to contribute to their uplift and amelioration. The only way that the villagers could be loyal and faithful to their benevolent ruler was to learn the principles of selfhelp. The Premier added that he was connected with similar rural uplift in British India, when he had a occasion to visit village after village. By experience he had gained two lessons which he wanted to impart to the villagers. Firstly that all the improvement schemes should be carried out on the zamindar's initiative and secondly that he should to the best of his capacity, try to contribute towards his own uplift and amelioration. The Premier also remarked that the work done by the Panchayats was commendable and the judgments passed by them had satisfied the parties as no appeals were instituted against their judgments. The decision of cases by the local Panchayat had, he said saved a lot of money to the villagers.

The Premier continued that the occasion was the first of its kind in the State when the people had realized the value of selfhelp and he wished that other villages not only in selected areas but throughout the State should follow the same example. In the end he thanked the zamindars and wished them all prosperity.

2. *Tral.*—A sum of Rs. 997/11/-, out of which Rs. 100 were contributed by the villagers has been spent on the following works :—

(*a*) Linking of the village with the general Shikargah road.
(*b*) Construction of 4 latrines.
(*c*) Construction of 2 bath rooms.
(*d*) Covering of water fountain.
(*e*) Fencing of water spring and removal of silt from Kunjbal spring.

3. *Awantipura.*—A sum of Rs. 498/10/- has been spent on repairs and covering of a spring and construction of one latrine.

In addition to the above works all the lanes of the village have been levelled and dressed by the villagers.

4. *Geru.*—The following improvement works were executed at a cost of Rs. 636/8/- out of which an amount of Rs. 87/8/- was contributed by the villagers :—

(*a*) Repairs to the road linking the village with the Anantnag trunk road.
(*b*) Improvement of 2 water springs.
(*c*) Construction of 3 bath-rooms.

Srinagar Khas.

Duderhama village.—A sum of Rs. 294 has been spent on :—

(*a*) Repairs to a bridge.
(*b*) Construction of latrines.
(*c*) Construction of bath rooms.
(*d*) Fencing of a grave yard.
(*e*) Construction of wooden seats around chairs.
(*f*) Construction of wooden ghat.
(*g*) Laying out of a play-ground.
(*h*) Widening and improving the village roads and foot paths etc.
(*i*) Provision of a library.

A sum of Rs. 74 was contributed by the zamindars in addition to a sum of Rs. 70 spent on widening and levelling of village roads.

1. *Karalpura and* (2) *Dharambug villages.*—The following improvement works have been executed at a cost of Rs. 168/8/- out of which a sum of Rs. 38/10/- was contributed by the zamindars :—

(*a*) Construction of a tank around the spring.
(*b*) Repairs to roads in and between the villages.
(*c*) Construction of a bathing ghat.
(*d*) Park at Dharambug village.

3. *Chhatargam.*—A sum of Rs. 510 has been spent towards the cost of the following improvements :—

(*a*) Levelling, dressing and widening of the road between Karalpura and Chhatargam.
(*b*) Repairs to small wooden bridges on the above mentioned road.
(*c*) Provisions of 2 latrines.
(*d*) Provision of 2 bath rooms.
(*e*) Laying out of 2 parks.
(*f*) Provision of a library.

Tehsil Baramulla.

1. (*Tangmarg*) *Ferozpura village.*—A sum of Rs. 608/10/- has been spent on :—

(*a*) Cutting of boulders and dressing of the road.
(*b*) Construction of culverts.
(*c*) Construction of one bath room.
(*d*) Construction of one latrine.

A sum of Rs. 147 was contributed by the zamindars to meet the cost of the above works.

2. *Pattan village.*—A pacca drain 60′ long was constructed at a cost of Rs. 39/6/6 to carry off the waste from a water tap which otherwise accumulated to form a pool and stagnate there.

The zamindars have filled up the stagnant pool.

3. *Sumbal.*—5 pacca wells have been constructed and Rotary hand pump installed at a cost of Rs. 910, out of which a sum of Rs. 375 has been contributed by the zamindars.

In conclusion it may be added that the entire establishment of this department have evinced great interest in the Rural Development work during the year under report and the various Panchayats and Dehat Sudhar Committees have also extended their hearty co-operation in making the Rural Development a success.